

Treatment of California Indians

20/18

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FIRST CAMPAIGNS FROM SAN JOSE AGAINST INDIAN HORSE THIEVES

Lieut. José Francisco Palomares (an early resident of San José who held the office of Juez de campo from 1833-1839) ^(in Memoria given to the Bancroft Library,) tells of the following campaigns at that time against Indian horse-thieves from the San Joaquin River, who had been making continual raids on the ranches of that region.

One day I went to get my horses which I had for a long time pastured on the border of the town for greater security and found that the Indians had taken them away leaving some dead beasts. Furious at such audacity, I went immediately to the pueblo to solicit aid from the Alcalde (who was then Don Pedro Chabolla), pointing out to him the great losses that we would suffer if we did not employ a prompt and efficacious remedy. The Alcalde agreed with my arguments and ordered a meeting of the citizens of the pueblo who were interested in the business, and when they were assembled, he said to them in my presence that I was going to pursue the Indians who had been stealing horses and that those that wished to follow me should do so. As I saw there was little disposition to do so, because they were fearful that there would be too few or because they did not think that they would be robbed of their possessions, I told the Alcalde that he would better assign me a number of men whom I would choose to form the expedition; but he refused, giving

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reasons of little weight. Much disgusted with the refusal, ③
I left them all there and went home, where I mounted my
horse and took the road that the Indians followed, intend-
ing to attack them by myself if there were not too many
of them. My only weapon was a short saber which the colo-
nists who came from Mexico were accustomed to use like a
bayonet. I had not gone far when Pablo Parra, a retired
soldier of the king, and very old, overtook me. He was
mounted on a horse which was also very old and weak. I ④
asked him where he was going and he answered that he was not
sent by the Alcalde but would accompany me voluntarily in
my pursuit of the Indians. Together we followed the direc-
tion which they took over broken country, going up and down
hills, crossing arroyos and descending landslides, and
going through dense woods. Thinking that Parra could not
follow very long on such a weak horse, I told him to take
a well-fed one that was near, and in fact he took it along,
but did not mount it. I think he was better content on
his old horse...It was getting dark when we came to an arroyo
where the tracks of the horses broadened out and it seemed
as if the thieves had added several others to the party at
that point. Seeing that we could no longer follow them be-
cause of the darkness, I resolved to take some rest and
refreshment. Therefore I dismounted and took some food from
my saddle-bag, offering some to Parra, but he did not want ⑤

to take it, saying that he was not hungry. He did not (5)
even want to dismount, thinking perhaps that the Indians who
were not very far away, might have seen us and would return
to attack us. I was well entertained enjoy ing my supper,
when I heard the noise of horses in the direction opposite
to that taken by the Indian thieves, and Parra, terribly
frightened said 'Here come the Indians'. I protested 'how
can they be when they are on the other side and those who
are coming wear spurs?'. Parra seemed to be calmed by this
reasoning. Soon Manuel Peña and Pedro Mesa, two neighbors
and herders of cattle at San José, came galloping up. (6)

Knowing that I had come in pursuit of the Indians they
decided to join me in order to recover their stolen pro-
perty. We all followed the direction of the tracks until
twelve that night, when because it was so dark and the road
so bad we determined to rest again and sleep a little.
All dismounted and tied their beasts so as to have them
handy in any event. Parra tied his horse (not the old
weak one) by a bundle of grass. The night was very cold.
Manuel Peña asked permission to make a light and smoke,
and I objected saying that the Indians could discover us by
the spark made by the flint, but he was so insistent that I
finally consented, although with great reluctance. As Peña (7)
had no flint, he took out an immense knife striking it
against a stone so as to make large sparks that burst forth
on every side so that we could see a considerable distance
in the darkness of the night; but he could not take the tinder.

I was very angry and said 'it would have been a good thing if you had pricked your finger'. I had no sooner said this than Peña cried out, saying that he had cut his finger and that he had no light. Then old Parra said he could get a light with his gun, which had a very large flint muzzle and was of an old make. I opposed it saying that it would be very easy for the enemy to discover us by the noise of the detonation, but Parra replied that he could do it without noise and I consented that he do it with this amendment. Parra took out the amunition with which his gun was loaded, leaving only the wadding. He then heaped up some dry grass and so prepared, aimed, turned his head, and shot. As we were in a canyon the detonation was very heavy in spite in spite of all the precautions which the old man had taken; the noise deafened us and was repeated in echo after echo, until it seemed as if the mountains were coming down on top of us. At the same time the straw caught and shed a vivid light. This was an end of my patience. Furious against Parra, I told him that he did not merit being a soldier of the king; that he was a fool and with his folly had betrayed us to the Indians, who if they did not attack us, would get out of the way of our pursuit. As all were cold they did not want to extinguish the light. Peevish at such disobedience and fearing that the Indians had escaped, I retired to rest, leaving the

others around the fire, and as I was very tired, I was soon asleep. At the break of day I arose and ordered the march and we started. I warned my companions that we would have to hurry if we overtook the thieves and so we traveled rapidly that day and the following night, although the country presented many difficulties. Often we lost the tracks, but found them again and went on. Finally in a place called Aguage del Cerro Colorado, near the San Joaquin River, about 8 leagues from San José, in very rough country we camp up with the enemy, 18 in number, who were at the foot of the hill at the water-hole occupied in getting breakfast. Assured that they had not perceived me, I returned to where my companions were and told them that there were the Indians, that there were 18 of them and they had about 280 head of horses; that I was going to get into a position where I could command them and 'make believe soldiers', that is to make it seem as if we had many people and so frighten them that they would fly, leaving the horses; that they were to go in different paths, making a great noise when they were near the Indians, calling out to their companions as if they had remained behind. And so we proceeded to do. I on my part, rode my horse in a chemisel thicket which was on a hill that overlooked the country where the savages were, and from there began to shout as if I were commanding an army: 'Forty in the rear; fifty attack them from the arroyo, the rest cut off their retreat, while we enter on this side.'

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Some of the Indians hearing this, started to run, abandoning their arms; others more valient seized theirs and watched us steadfastly. Seeing this I cried out to my companions to attack them fearlessly, and in fact gentiles and Christians entered upon a bloody combat, the remainder of the former that were able to escape finally fleeing. Of the 18, 8 were stretched on the field of battle and the others escaped, some being wounded. After the battle, we collected all the horses, and returned to the pueblo, without troubling to bury the bodies of the dead. This was the first sally that was made against Indian horse thieves in the jurisdiction of San J^o sé." (12)

"Two months after this Indian thieves robbed my poultry yard. As soon as I found it out I went to the pueblo in search of people to help me in pursuing them. José de Jesús Mesa, Francisco Altamira^{no} and his brother Rafael offered themselves willingly for the task. Soon we were ready and set out from the pueblo properly mounted and equipped and with the necessary provisions. I, in my position of Juez de Campo, and owner of the stolen property, was the leader of the expedition and marched at the head of it in following the trail of the gentiles. We set out from the pueblo at two o'clock in the afternoon and at eight the next morning overtook the savages in the hills of the Cerro Colorado, which is opposite (13)

the Sierra. We surprised them at breakfast and before they had time to see us attacked them on different sides at the same time. Before they had time to take their arms, we had accounted for four, out of the six in all. The other two yielded to us. I took one prisoner and José de Jesús Mesa, the other. After we had rested from the fatigue of the attack I commanded my companions to tie them hand and foot and stretch them out face up. They did so. My soldiers, ignorant of my intentions, indicated that they would be glad to take them to the pueblo and deliver them into the hands of the Alcalde for punishment; but I opposed this, saying that I had reserved an other and better punishment for them. In fact, taking out my dagger, I went to [where the prisoners were tied, who seeing me in this fashion, guessed perhaps the intentions that I had, for they began to beg me to spare their lives, but seeing that it was of no avail, they plied me with the most disgusting insults. Then I hurled my dagger at one of them, in spite of the desperate struggles which he made, I dug out his eyes with the point of my dagger and then ordered that he be set free in that desolate mountain. The Indian, although blind, ran uncertainly to enter the wood, when he found he was free, uttering heart-rending shrieks. It did not turn out to be right about this savage in thinking that he would probably die of hunger in the solitude. Afterward I ordered that the other one be well secured, who was dead with fright, [thinking perhaps that he was

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to fare the same as his companion, and as among them all (16)
 they fastened him so that he could make no movement, I
 took away his breech-cloth and with a thin cord fas-
 tened the testicles as is sometimes done in the operation
 of castration and cut them off with the same dagger which
 served before. During this operation the suffering one
 roared with rage cursing us and threatening us with the
 same punishment, if we should ever fall into his power.
 When he had calmed down, I ordered him untied, and as he
 moved off slowly step by step, I took my rifle and without
 intention of hitting him, fired it. Such was his fright
 that in spite of the pain which he must have felt, he
 went off at all speed. We returned to the pubelo with the (17)
 booty. . .

Some two years afterward, when attacking a rancheria
 of Indian horse thieves I saw a very fat Indian, who per-
 haps recognized me for immediately he was lost as if the
 earth had swallowed him, but not too soon for me to have
 recognized in him the Indian whom I had castrated two years
 previous. This rancheria was called Chauchil and was
 [= 40 miles]
 about 15 leagues away from the site of the incident. "

Two weeks after this second campaign, I made ready (18)
 another expedition against gentiles of the rancheria
Jollima, commanded by a chief of the same name, who with
 his people had fallen on some little neighboring ranches
 and had taken away about 60 beasts. I organized this

expedition with 10 men well armed and equipped, whose names I do not remember except those of Francisco Altimirano and Rafael, his brother, who were very courageous men and fond of fighting the Indians and who always followed me in the campaigns which I made against them. To reach the rancheria we were on the road two days from the pueblo of San José. About 8 in the morning we attacked them. The tribe was composed of about 200 (warriors, women, old people, and children). Although so greatly outnumbered, we had considerable advantage over them in the superiority of our arms and succeeded in taking away the horses and desolating the rancheria, but not without great resistance. After some hours of very bloody combat, the gentiles fled leaving 15 dead on the field, one Christian prisoner named Pedro and all their booty. On our side there were more or less gravely wounded Ignacio, Acedo, Francisco and Rafael Altimirano, another whose name I do not remember and I, who had a big arrow wound in the ribs on the left side, the point of the arrow reaching the region of the heart, The pain from this wound was so great that I could not move from one side to another..

Then I was informed that the Indians knew an herb that was very good for all kinds of wounds, and that one of our prisoners could cure me and my companions. I sent for him and told him that if he would cure us, he should not only be set entirely free, but should have a present of the best horse we had. He promised to do so, but

before letting him go to hunt for the 'herb of the wound' (20)
I told one of the men who was not wounded to take his
rifle and accompany the Indian and if he attempted to es-
cape to kill him. The Indian who understood enough
Spanish, laughed on hearing these words, and said that he
never would go to his people, that they would kill him
when they knew that he had cured one of us. After a
little time they returned the Indian bringing in his hand (21)
the herb previously spoken^{of}. I wanted him to cure me
there, but he indicated that it would be better to go
down the mountain and camp in a place where there was
water. I gave the order to march, and step by step we
took our way, the wounded attacked by fever and violent
thirst. When we got there, we all asked for water, but
our doctor showed us that we would die if we took it, and
made us, after resting some hours take some draughts of
atole of pinole which he himself made. Then he pro-
ceeded to the cure, beginning on me as I was the chief,
and most seriously wounded. For this he gave me the
'herb of the wound' to chew and made me swallow the juice.
Then he chewed it also and applying his mouth to the
opening of the wound, forced the juice into it. Then
he went on to suck it to remove the coagulated blood; when
he filled his mouth, he spit it out and began again, keep-
ing at it until he thought the inside of the wound was

thoroughly cleaned. Then with much dexterity he removed the piece of arrow embedded, and made me chew more herb and swallow the juice and washed the wound interiorly with it and put the chewed herb on the outside edges. In much the same manner he cured the other wounded men. He kept us there six days on a rigorous diet, and watched us carefully, until at the end of this time, I felt well and consulting the other wounded men, found that they felt the same, and gave the order to march. On going away I told the Indian that I would keep my word with him, to take his horse and go away, and if we came upon him again we would not harm him. But he answered that he would remain with the horse and would not go away, for there was no rancheria where he could go that would not know he had cured a white man and would kill him. So he accompanied us to the Mission and stayed there, disputing with me about the horse which I did not wish to take back. This Indian served me faithfully for six years, sowing seeds, gathering maize and doing other work in the fields, without receiving any recompense other than the seeds which were necessary for his subsistence. When I gave him money he did not want to take it, alleging that he was sufficiently paid in that I had saved his life. Finally in an attack which was made against the celebrated bandit, Yóscolo, poor Pedro, who was so faithful to me, was killed by an arrow that

pierced his heart, and when they brought him to the mission they told me that he had been killed by Yóscolo's men, but I had good reason to believe that it was one of his relatives who embraced this opportunity to punish him for having cured us. It is customary among the Indians to regard as a traitor any Indian who has rendered any service to their eternal enemy the white people, although forced to do so, and his relatives even believe themselves under obligation to kill him if the opportunity presents itself."

José Francisco Palomares, Memoria, pp. 2-24, MS, Bancroft Library, 1877.

Translated by S.R. Clemence

Antonio Francisco Coronel (who settled in California in 1834) in recollections about California dictated for the Bancroft Library, gives the following notes concerning atrocities committed against the Indians in the Sacramento Valley between the lower American and Cosumnes rivers in 1849.

"In coming down from the north to Estanislao, we made [173] camp in a place about 2 miles south of Sutters Mill. At a little distance from here there camped a party of foreigners of several nationalities. Among them was Sisto Berreyesa and a certain Molino Sonense, one of the first of those who came to California. This party had under their charge a number of Indian men and women and children of both sexes. They arrived at my camp and established themselves near there.

To prevent any of these Indians, who were prisoners, and who numbered some 40 men, 10 or 12 women, and 5 or 6 children, from getting away, they made the men stretch themselves out on the ground face up, with their feet toward the center of the circle which they formed. They tied them together by their feet and guarded them, preventing them almost wholly from moving. They were naked, and it was cold and they would not let them have any fire. [A few coals were lighted for the women and children, which also served to watch them by, and to keep [174]

the watchers warm. Their leader came to me asking me [174]
to help guard these Indians because he had to go on an
expedition to a neighboring place. I said that I could
not do it, pretending that I had to leave very early
in the morning. Sisto Bereyessa informed me that the
expedition was going to fall upon the rancheria that was
on the other side of the hill of the American River, to
punish it, because two Americans were found dead there,
and these deaths were attributed to them.

Early in the morning while it was yet dark, the party
arose, and leaving Molino and two others there to guard
the prisoners they started off for the aforesaid rancheria.
Out of curiosity I saddled my horse and followed, keep-
ing them in sight but at a distance, so as not to be per-
ceived myself. The party arrived at a place near the
rancheria, and as soon it was light began to fire on the
rancheria. Here occurred a scene of horror, for the old
people, women, [children, and all the others, some with [175]
their bows and some without, ran in different directions,
some trying to escape to the river, but they were all
checked and riddled with bullets. I could not continue
a spectator of such horrible slaughter, and retired to
my camp. This occurrence was about the month of March, 1849.

I immediately prepared to continue my journey --

shortly after they came to wake the prisoners stretched [175] on the ground, and as I could hear, to add them to the others they had taken alive at the rancheria. After this they went to Sutters Mills.

I went on my way, and on the road on coming to the river of the Cósemas, we overtook a party of about 20 and as many armed men. They passed us and leaving the road took an easterly direction. We followed. On coming out into the plain we turned toward the ranch, which as I recall it, belonged to Mr. Hicks. It had a great many men working in the wheat fields and a rancheria of Indians for this purpose. But on turning towards the house, we saw several Indians fleeing in different directions and 176 the party, which had not passed, following them and killing [176] those they overtook. Not wishing to witness this spectacle we changed our road promptly. On the following day I was told that the atrocity reached such a degree that the Indians, considering Hicks' house to be a refuge, ran to hide in it. Not even this place was respected, for the party entered the house and took away the Indians to kill them.

Such was the situation of these unfortunate people at this time that killing one of them in cold blood was the same as hunting a hare or rabbit. These infamies were brought to the attention of the military Governor, who visited these places to put a stop to them.

Antonio Francisco Coronel, Cosas de California [California Affairs], MS, Bancroft Library, pp. 173-176, 1877.

Punishment of Indians by the Padres at Monterey

The explorer La Perouse, who visited Monterey and the mission of San Carlos in September 1786, likened the condition of the Indians to the slaves of San Domingo. He "saw both men and women loaded with irons while others had a big log of wood on their legs." [p.208] and adds, "The women are never flogged in the public square, but in a secret place, and at a distance, in order, perhaps, to prevent their cries exciting too lively a compassion, and thereby stimulating the men to revolt: whereas the men are exposed before all their fellow citizens, that their punishment may serve as an example. In general, they ask forgiveness, upon which the executioner diminishes the force of his strokes, but the number is always irrevocably fixed." [p.212] --Voyage of

La Perouse, Vol. 1, London, 1798.

SANCHEZ' CAMPAIGN AGAINST SACRAMENTO RIVER INDIANS

A. Duhaut-Cilly, Commander of a French ship trading along the California coast Oct. 1826-July 1828, published (1835) a 2-volume book on his trading experiences in different parts of the globe, over half of which he devotes to the Californias.

Under date of August 1827 he writes as follows of an expedition led by Sanchez against the Indians of the Sacramento River in 1826.--

"The Spanish Governor has always followed the atrocious system of ordering, from time to time, expeditions against the people of the interior, sometimes to recapture Indians escaped from the Missions, and again to keep the Gentiles away by inspiring them with terror-- expeditions, which, costing the lives of a few soldiers and many of the natives, served only to keep up hatred. The last and most ridiculous of these little campaigns was made in 1826 under the command of Alferez // (sub- [107] lieutenant) Sanchez, and was as follows: [108]

After the harvest, the Padre of San Francisco Solano had permitted 80 of his Christian Indians to go on a visit to their former homes, and they were ascending the San-Sacramento River in a large sloop, when the Savages unexpectedly attacked them in a tight place

where they could neither flee nor defend themselves, and killed more than 40 of them. Consequently a raid was ordered and entrusted to the seething courage of Sanchez, who advanced into the country at the head of 20 or 30 cavalry. At their approach, all the Indians were ambushed for defence in the woods, and from there shot their arrows at the troop without the cavaliers being able to approach or even see them. But the latter, exasperated, avenged themselves on the women and children who had not been able to flee. They massacred some/30 of [109] them, and returned, shamefully triumphant, with two young girls and a child which they had taken prisoners, as a sign of their victory.

When these imitators and descendants of Spaniards are asked if there is no other means of securing peace with these people, imbued with the ideas of their fathers, they ascribe to the Indians a character so barbarous that as they say, it is impossible to treat them otherwise. They say, 'They live in separate villages, and if peace is made with one of these hamlets, it is a reason for attack by the neighboring villages, who regard its inhabitants as traitors and who unite for its destruction.' However, when it is considered that the missions are

peopled only with these same men, and that the Padres, using alternately gentleness and severity, have been able to acquire over them the prodigious ascendancy which maintains these establishments, one cannot help thinking that the Commanders of the Presidios have taken the reverse of good policy like that of humanity. [110]

I was even witness of something which seemed to prove that resentment of so deplorable a system has not rendered the natives intractable. At harvest time, the missionaries of San Rafael and San Francisco Solano secured more Gentiles than they wanted to help them harvest their grain. They came to these missions with their women and children, constructed their temporary huts, and worked at the harvest for the small amount of wheat or corn which the Padres gave them. We found 200 or 300 of them who had been at San Francisco Solano for several weeks.

Nothing more miserable could be imagined than the inhabitants of that little camp which they had located opposite the Padre's house. The men were almost naked, the women wore only a mantle of strips of rabbit skin, twisted into cords and sewed together. This clothing is very warm, [11] but being very thick, it serves as a retreat for a prodigious quantity of those parasite insects so distasteful to us. For them, on the contrary, it is a sort of portable poultry-yard, where, in moments of leisure, each chooses her most delicious dish. While the young men shoot their arrows at Beaver and deer, their gentle lady loves are occupied with another hunt, and on their return, they offer them the succulent product in a mussel shell, as a man of fashion presents a lady with a box of mints."--Translation: Duhaut-Cilly, Voyage autour du Monde, 2:107-111, Paris 1835.

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EXPEDITION AGAINST ~~Yolo~~ INDIANS, 1835

Charles Brown (who settled in California in 1829) in recollections given to the Bancroft Library, tells of an expedition against the Indians 200 miles north of Sonoma under the leadership of the Vallejos in 1835.✓

"I did however, occasionally go out with Gen. Vallejo [11] or his brother, Capt. Salvador Vallejo, to fight hostile Indians. One occasion I was very near losing my life. I had 11 arrows in my body..

We started from Sonoma about the fall of 1835 under Lieut Vallejo and his brother Salvador Vallejo with about 60 armed Californians and Mexicans, 22 foreigners, among whom was myself, and some 200 Indian auxiliaries. Went some 200 miles away from Sonoma towards Oregon. I don't [12] remember the names of the tribe that we went to attack nor of the place, but I remember that we were out nearly three weeks, during which it rained hard all the time, the rivers all overflowing. The place we got into was a very deep valley surrounded by high mountains. The Indians had their rancheria right in the middle of the valley. Those Indians had been committing depredations in the vicinity of Sonoma and stealing stock and the expedition started to chastise them. Got to the rancheria about sunset, and attacked the Indians. Killed a great many of them and took a large number of prisoners. The worst thing I ever saw in my life was done there by Solano, the head Indian

✓ Bancroft says this Expedition was against Yolo Indians.--

Bancroft, Hist. Calif., III, 360, 1886.

But I don't believe it - can

of Vallejo. There was a woman of the rancheria who had a child slung on her back, and who was far advanced in pregnancy. Solano first lanced the child on the back, and then lanced the woman, ripping the belly open and pulling the phœtus out. The villainy of the act so maddened me that I was on the point of shooting Solano when Lieut. Vallejo stopped me saying that Solano was [13] his best friend. As it was I was fortunate in not having killed Solano, for he at a later hour saved my life when I was very badly wounded.

I had rushed into the rancheria in search of beaver skins, of which the Indians in that country were accustomed to have an abundance, and just as I was crawling into one of the huts I received a number of wounds. At this time Solano made his appearance, killed my opponent and rescued me. He got the arrows out, and filled the wounds with the herbs they used for such purpose, and in due time made me well.

The fight lasted about one hour and a half. The rancheria was taken and sacked of everything of any value that the Indians had, such as skins, ^{baskets} coras, and maiz de grulla (a species of peanut, or rather better than peanuts, that the Indians had laid in for the winter). The Indians also had a species of amole called tarol, which they used to bake, and then it was as sweet as sugar. It was indeed a very nice root to eat.

When the expedition got ready to return, I was carried [14] by Indians on a tapeste to the place about 5 miles distant where the expedition camped for the night. The next morning we all started for Sonoma, occupying us 6 days on the march.

I presume there must have been between 200 and 300 Indians slaughtered in that rancheria. They were killed in fair fight, for they fought desperately. I did not see any-one killed after surrendering. I believe there were about 64 or 65 bucks taken prisoners, besides a number of women and children, total number brought to Sonoma about 100.

The booty was large. My share of it was 65 beaver skins.

The prisoners were divided among the different ranches of the mission, and put to work at the different trades. The young women were put in the ^{women's quarters} Monjerio and the children taken care of."

Charles Brown, Statement of Recollections of Early Events in California, MS. pp. 11-14, Bancroft Library, 1878.

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José Maria Amador (who was a soldier in the San Francisco Company from 1810-1827 and who took part in many campaigns against the Indians), in Recollections given to the Bancroft Library tells of the following campaigns against Indians in the Upper San Joaquin Valley.

"In 1828 the Indians robbed my ranch and that of the Castros. Fourteen of us set out in pursuit, but when we came to their rancheria they had eaten the greater part of the animals. We surrounded the rancheria and a temescal (the rancheria of the Lélamas up river from the Moquelemene) 26 and the natives refusing to surrender we set fire to the temescal with their own baskets. Some got out fleeing from the fire and fighting, and they shot three of my companions, citizens of the pueblo of San José (the Spaniard José Noriega, Anastasio Mendoza and Anastasio Chaballa). On the following day we marched by the range to the edge of a wood. Here we had a fight with the Indians, and a citizen, José Galindo, was wounded. (All the men of the expedition were citizens and Señor Norri^aga commanded it.)... The fight went on in another rancheria. It was man to man combat in an oak grove 27 and in the chamisal. Alviso was struggling with one Indian whom he could not kill, and I with another. Augustin kept in an arroyo with his Indian to kill him if he could, and I with mine. I shot at mine with my carabine. He was a hairless

Indian so that I could not seize him by his locks and so [27]
trample him with my horse, throwing him to the ground.

I mounted myself horseback-fashion above him and gouged
him with my spurs, hitting him over the head with the butt
of my musket without being able to overcome him. The
valiant Indian raised up, carrying me mounted on his shoul-
ders, digging him with my spurs without my being able to
overcome him, in spite of the blows I gave him. He was [28]

about to carry me into the wood where the arrows rained
like hail, until I remembered my dagger which I carried
at my waist. I stuck him in the stomach, tearing out his
vitals, and then he fell with me on top of him; so I re-
treated toward my horse which was fastened with his, pro-
tecting myself always from the arrows that were discharged
at me from all sides. I succeeded in escaping without
being wounded, and went in search of my companion Agustin
Alviso, whom I found in the same place that I had left him.
He had already killed his Indian, smashing his head and dash-
ing his brains out with a stone. During the combat he had
not been able to fire a single shot at the Indians. After
this unusual battle the Indians fled without our having
taken a single prisoner, and we reassembled and marched to [29]

spend the night on the San Joaquin River. During the night [29]
Jose' Galindo died, and we put him on his horse and took
him to San José to bury him.

It was in 1837 I think (Alvarado was governor)
that the Indians came to my rancho of San Ramon and robbed
me of 100 beasts. I set out with 15 men in pursuit. At
the Taualemas River at about three o'clock in the afternoon
we fell upon the rancheria and took away 60 beasts. We
watched them all that night until daybreak, then we followed
up the trail of the Indians to the mountains but could not
catch up with them. We returned to a place called El Barro
on the same mountain. Here there was a stone corral and a
little water. We reached here about four in the afternoon
and set out to look for the Indians, but could not find any
of them. We spent the night in this place. There were 16
of us, the Alferez, Prado Mesa, with 10 soldiers and 5 novice
citizens. We put eight men on guard, four for the camp [30]
and four for the horses. That night 200 Indians fell upon
us between 12 and 2. The night was very dark. They gave me
four arrow wounds. They shot Prado Mesa, the Englishman
Robert Livermore, who went with us, another Englishman whom
we knew by the name of Perez Micu, Invenio Romero, Domingo
Altamirano and Desiderio Briones. The guards of the horses
started to flee and the Indians took them all, leaving us
only with 12 animals belonging to the troop. I was unconscious
for over a quarter of an hour and when I regained consciousness

the Alferez asked me how I felt. I said all right, although [30]
wounded. He asked me what we ought to do, stay there or go
on with the horses of the troop. I was opposed to this be-
cause it was certain that each one as soon as he found him-
self on horseback would take the road, each one for himself.
The Alferez did not know these people as well as I. Then the
Alferez left it to me whatever I should command, and I answered [31]
that he ought to look over his soldiers to see if they had suf-
ficient ammunition, that if they lacked it, I had a powder-
horn with 90 shots and 22 cartridges in my cartridge box. He
accepted my proposal, turned over to two men in the canyons
the guns of Desiderio Briones who was wounded in both of his
knees, carrying him through an arroyo about 2 miles down. They
put him down in the shade of an oak, where in a little arroyo
at the foot of the oak there was a little water. We gave him
acorns to eat, for we had nothing else, as the Indians had
taken away our food--indeed the little raw troop of Alvarado,
Vallejo and Castro in the stampede which occurred, in their
fright, abandoned their cloaks, shoes, etc. They were raw
troops and absolutely without discipline, because their
chiefs were not paid to give it to them.

The rest of the night we followed the road to the
San Joaquin River, all of us on foot. In the morning José [32]
Romero shouted to us that our companions were overtaking us
on horseback. I told the Alferez to pass his troops in
review and to give the order that no one should shoot until

their guns were at the chests of the enemy, because it was [32]
the Indians who were upon us, and in truth about 70 came on
horseback. We set out from the footpath about 500 vares and
hid in a grove of estafiate. The Indians arrived at the place
where we had been but could not find our tracks because we had
set out from the footpath. They then went to the stockade
which they have on the Estanislao. We traveled all day dead
from thirst and hunger, until near the San Joaquin River,
where we camped for the night completely worn out and suffer-
ing from our wounds. We took the road again at daybreak and
reached the river at 11 o'clock in the morning. We made some
rafts of logs bound together with our belts, on which we
crossed the river and camped in the wood. We passed the
day there. A man named Higuera succeeded in killing a
deer there in the wood and they ate it. I was prostrated [33]
from my wounds and weariness, and not able to go a step.
I remained here until the sun went down, and then they
awakened me to continue the march. We traveled this night
crossing the valley at a place called Buenos Aires. In the
middle of the plain we stopped to rest, some of us being
lame and others on account of their wounds. Very few had
shoes and even those were without hose. At the time of
this resting I heard a shot which was fired by people from
the Pueblo, who were coming to aid us, for those who had
been wounded in the attack with the Indians had arrived there,
telling them that we had all perished. Shortly afterward this
shot was followed by another which we immediately answered.

It was my son, Valentia Amador, who had fired the shot. The reinforcements joined us, and together we went to Buenos Aires. We passed the night there. The following morning the Indian Doctor came and took out the flint arrows

[34]

For this operation the Indian used some roots which he brought from the hills. One of these was much longer than the palm of the hand and very red and was called yerba de parazo.

The other root was yellow, the same size as the other. I think it belonged to the same family although it was a different color.

The third root was thin and long and very flimsy. The Indian chewed the red one and bound it on my wounds. He gave me the thin one to chew and told me to swallow the juice. This juice made the blood run like water from my wounds. The chewed herb the Indian put on the wounds made the mouths of the wounds open, and then he drew out the arrowheads with some wooden forceps. This operation was so painful that it made me lose consciousness. The yellow root, the Indian bound on the same as the red.

[35]

After I recovered consciousness they made a ladder of men to carry me. Four Indians carried me and they were relieved by four others at certain distances. They went twelve leagues with me until they left me at home on my ranch. Here I ordered a couple of pesos and a good supper to be given the Indians. Twenty-five days after this treatment I was entirely well.

Sarg. Nazario Galindo, Francisco Palomares and two [35]
others had gone for Briones with a small cart. They found
him alive and carried him away. The same Indian who had
cured me treated him by the same process. Twenty-five days
after this Alferez Prado Mesa came after me to return to
avenge the damage these Indians had done us. We made an at-
tack at the Estanislao River, 70 men, including soldiers and
citizens and 200 Indian aides. We took the hostile Indians
who numbered 200, including the Gentile and Christian fugi- [36]
tives, by pretending that our Indian aides would buy all their
arrows even though it left them without a shirt. The purchase
was concluded. We invited the Gentile and Christian Indians
to come and eat pinole and dried meat. They all came over to
our side of the river. Then when they were on our shore we
surrounded them by the troops, citizens and Indian aides, and
took them all prisoners. I was Second Lieutenant in the expe-
dition and the First Lieutenant was Prado Mesa.

We marched with our prisoners to the mountain ridge
in a heavy rain to fall upon another rancheria. We spent the
night in the chamisal in a circle on the ground about our
prisoners because they had attempted to escape. We were all
covered with mud up to the knees. At daybreak I counted the
horses and found 9 of them missing. I set out to look for
them taking the road to the right or east, and the Alferez [37]
set out on the lefthand road to the west for the same purpose
There set out to meet me 10 Moquelemes Indian aides (of our

own party), feathered and armed for war, to surprise me. [37]
But as I understood their language I recognized them when they shouted to me, and I addressed their chief, who was called Heleno, by his name. When they reached me I asked them what they wanted and they answered that they wanted justice, that the Christian prisoners should be delivered to them that they might kill them with arrows. I answered that they should return to the chamisal, surprise the Alferez, and ask him for justice. They did so and the Alferez had no time to take his pistols in his hands. He believed himself lost and that they would kill him without fail. Then the Indian Heleno spoke to him in Spanish and told him they demanded justice. The Alferez and I arrived at camp. We separated 100 Christians from the prisoners, and at each half mile or mile these were forced on their knees in prayer, and were made to understand they were going to die.

Each one of them received four arrows, two in [38]
front and two in each shoulder. Those who were not killed by this process were killed with lances. The Alferez did not want to make these executions because he had no courage, but I answered that if I were to put it up to my father, he would do the same. On the way the 100 Christians were killed in the manner already explained. We reached the camp where we were going to stop with the 100 Gentile prisoners. Here before dark, as it was raining so much, I proposed to the Alferez that we tie the prisoners lest in the night we

have misfortune among the aides and our people, because a mule [38]
had been lost with a kettle with spoons and other utensils.
This mule might get into the camp where the horses were and
produce frightful disorder among the horses, alarm the people
and in the confusion they might shoot each other. The Alferez
told me to decide what was best to do. I answered him that [39]
this would be to shoot the prisoners, first Christianizing them--
letting them know they were going to be shot and asking them
if they wanted to become Christians. I ordered Nazario Galindo
to take one bottle of water and I took another. He began at
one end of the line and I at the other. We baptized all the
Indians and then we shot them through the shoulder. Seventy
of them fell at one shot. I doubled the charge for the 30
that remained and they all fell. We loosened their bonds with
the result that one of them who had not received a ball jumped
into the river. They sent some 40 shots after him in the
water without touching him. Finally when he emerged they hit
him but he escaped to his rancheria.

In the afternoon of the following day the Indian
aides forced me to cross the river to take the rancheria of
these 200 Indians, and to capture the women and children.
They made me cross the river swimming with them, warning me
of the swirl of the water around the rocks. I had my gun [40]
tied on my head with my handkerchief. An Indian carried my

clothing tied on his head in the same manner. Having crossed [40] the river they made me cross back again. It seems that they thought I would be afraid to accompany them crossing the river. They decided that night (it was already dark when I crossed the river) to go to the rancheria, kill the men and take away the women and children. At daybreak the following day they arrived at my camp with 160 women and children who crossed the river. Every woman swam across the river with her baby in a basket. All the boys and girls over 7 swam across like fishes. The Alferez and I broke up the camp and we came to the San José Mission where all the women and children we brought were baptised. The Indian aides told me that they had killed 24 men in that rancheria including the one who had escaped wounded from the river when his companions [41] were shot.

These Indian aides were Moquelemnes--very warlike people, valiant and faithful, whom I never have been afraid to have accompany me on these expeditions.

Alferez Prado Mesa had pardoned at the gallows an Alcalde of the Santa Clara Mission named José Jesus. This Indian promised to bring me the horses that the Indians had stolen. He overtook me at the river with 35 horses, with an Indian man and woman who brought me a present for the pardon."

José Maria Amador, *Memories sobre la Historia de California* [Memories about the History of California], pp. 25-43, MS, Bancroft Library, 1877.

CAMPAIGN AGAINST RANCHERIAS LOECHAS & PITEMIS

NEAR SITE OF LIVERMORE, ALAMEDA CO., CALIF.

Jose Maria Amador, who was a soldier in the San Francisco Company 1810-1817, tells of a campaign in 1805 against Indians of the rancheria of Loechas, near present town of Livermore, who fled to rancheria of the Pitemis on San Joaquin River, where they were routed. The account is given in MS notes in the Bancroft Library and is as follows:

"In the year 1805 the late Ignacio Higuera, Joaquin ⁽¹³⁾ Higuera and Antonio Sanchez set out to accompany Padre Pedro Cuevas of San Jose Mission who was going to punish some gentile Indians of the rancheria of the Loechas, about 14 leagues E of the Mission, above the present town of Livermore and 4 or 5 leagues away from it. The Indians, on the arrival of the Padre and his soldiers, took arms against them, shooting at the Padre and at one of the soldiers, and ⁽¹⁴⁾ at the majordomo Ignacio Higuera. Señor Higuera defended himself as long as his ammunition lasted, and then the Indians captured him alive and shot him with arrows. After his death they cut off his hands and scalped him [?]. The Padre and the soldier Joaquin Higuera escaped with the little ammunition they had left and hid in a rock cave where both wounded men remained until night. The other soldiers, Sanchez and Alvisu fled to the Mission and told what had happened. In the dead of night the Padre and Joaquin

Higuera left the cave and succeeded in reaching the mission, (14)
traveling on foot through the hills and hiding themselves from
the Indians.

Then Lieut. Gabriel Moraga and his men set out to punish
the offenders who were already on their way to the San Joaquin (15)
River to a rancheria named Pitemis. After a light combat, they
seized the Indians, men, women and children, the women and
children being sent to San Jose Mission to be christianized
and the men put at making adobes for the presidio at San
Francisco. . . I went on that expedition together with several
citizens of the pueblo of San Jose, to help put because there
were but few soldiers. "

Jose Maria Amador, Memorias sobre Historia de California
[Recollections of Calif. Hist.] MS, Bancroft Library,
pp. 13-15, 1877

Translated by S.R.Clemence, June 1917.

CALIFORNIA INDIANS ASK FOR COMPENSATION

A delegation of Indians from Northern California met the Secretary of the Interior and the Commissioner of Indian Affairs in Washington, February 24, 1922. ^Q The Indians stated that the whites had taken their land without compensation; that in 1851 and 1852, 3 Special Commissioners of the Government had visited a large number of tribes of California Indians and had executed treaties with 18 tribes. They had also laid out ¹⁸ extensive reservations. These had not been confirmed by the Senate, and the Indians had never received any payment for the lands taken.

Stephen Knight, a Yokiah Indian living near Ukiah, told of an old chief who in 1881 called his tribe together and urged the people to work and save money to buy some of their own land back again so that they could once more have homes which they could call their own and be free men. The people followed his advice and paid \$1000. ~~00~~ down as the first installment on a \$4000. ~~00~~ ranch--a ranch only large enough to support a single white family. Later the Indians paid the mortgage and secured title.

Other members of the delegation called attention to the way their homes and lands had been confiscated and they themselves driven to remoter lands which were worthless for agricultural purposes. ^{In many instances} Even the acorns ^{have been} ~~are~~ claimed by the white men for their hogs, ~~so that the~~ ^{and} Indians attempting to gather the acorn crop are sometimes driven off. - Cam

Condition of Mission Indians in 1824

Kotzebue, in the account of his 2^d visit to California (in 1824) has much to say in passing as to the treatment & condition of the Indians.

See significant passages see pp. 78-81; 94-99; 101; 108-109 (hunting & blessing Indians); 114; 116; 119; (123-4 & 126-7 Indians about El Paso);

(141 & 146-7 Mission Bay & lower San Joaquin River).

Land case at Railroad Flat, Calaveras Co.

A Mexican Indian named Little Pedro had a house in which he had lived for 14 or 15 years near the ~~same~~ place where the school house now is (between R.R. Flat post office & the Indian village).

About 6 years ago he went to Nevada to work to earn money to build a fence around his place & make other improvements.

When he came back he found the new school house there, & found that a white man named Bob Lancaster was living on his place, had torn down Pedro's house & built a new one for himself.

Told me by the victim, Little Pedro, Oct. 10, 1906. - C. W. -

Quiranas:

Can't kill deer or quail out of season.

Can't pick acorns on white's land.

Can't cut wood on own land ^{allotted} entered in 1894

Jackson Farm - no food for gird & shingles.

In several parts of California
(Clear Lake & Owens Valley) the
privilege of attending the common
schools is still denied to Indians.
(1923)

Massacres of Indians (Yahna, Miden & others)

Waterman, F. H. Yana Indians, 1918

Much passion - worth reading

Thomas Co. Indians were allotted lands (160 acres)
in 1894, wh they duly filed on. These lands are
now (mainly if not wholly) included in Thomas Co. Forest
Reserve.

2d Forest Supervisor (Mr Barrett) has published
an advertisement in local papers warning persons from
purchasing wood of Indians & has forbidden Indians
to cut wood for sale on their own 160 acres. - As
informed by Quincy Indian and Chandler Jim, Oct 1, 1906. -

Susannah Land Registrar said to be hard on Indians.

Alleged defundations in Calif in 1872 -

- Capt. R. F. Bernard, commanding Camp Bidwell: "charges found not well sustained." -
Repts. Comm. Ind. Affs for 1872, 93, 1872.

Indians whipped to death in So. Calif.

Capt. H. S. Burton, USA (3^d Artillery), in a report to the War Dept. dated Mission San Diego, Calif. Jan. 27, 1856, states: "It is generally believed in this country that Capt. J. Coutts, Reg. Indian Sub-agent, whipped to death two Indians about the 4th of July, 1855." - House Ex. Doc. - 76, 34th Cong., 3^d Sess. p. 115, 1857.

MOTOR BUS AND MOTOR TRUCK.

Number of motor busses in use.....	51,000
Number of consolidated schools using motor transportation.....	12,500
Number of street railways using motor busses.....	107
Number of railroads using motor vehicles on short lines.....	157

EXPORTS.

Number of motor vehicles exported from United States factories and Canadian plants owned in United States.....	328,333
Number of motor cars exported.....	189,884
Number of motor trucks exported.....	37,049
Number of assemblies abroad of American cars.....	101,400
Value of motor vehicles and parts exported (including engines and tires).....	\$234,129,000
Rank of automobiles and parts among all exports.....	6
Per cent of motor vehicles exported.....	8
Imports of motor vehicles.....	890

MOTOR VEHICLE RETAIL BUSINESS IN UNITED STATES.

Total car and truck dealers.....	43,607
Public garages.....	50,911
Service stations and repair shops.....	67,802
Supply stores.....	65,988

HIGHWAYS.

The total amount paid into the United States Treasury from receipts on discriminatory motor taxes from 1917 to 1923, inclusive, was.....	\$589,000,000
The total withdrawals from the United States Treasury for Federal highway aid from 1917 to 1923, inclusive, were.....	\$264,800,000
Relation of highway withdrawals to motor payments, 45 per cent.	

HARK! A FRIENDLY VOICE.

Statement of Secretary of Agriculture, Henry C. Wallace:

The automobile revenues of the Government for the last fiscal year ended June 30, 1923, were, in round numbers, \$146,000,000, and the withdrawals from the Treasury for Federal-aid highway purposes were approximately \$72,000,000, which indicates clearly that the owners and operators of motor vehicles on our highways are bearing more than double the entire Federal expenditure for roads.

In a day or so I hope to show the slimy trail of oil across the motorist's windshield and into his pocketbook, as shown in the congressional struggle of two years ago.

TIME AND THE VOTER CORRECTS ALL.

Let us close with the sovereign voter, his friends and relatives. The table shows his habitat, and all candidates for the House and Senate will surely give this at least one fleeting glance. It is taken from a standard auto journal, the Automotive Industries, issue of January 10, 1924, and is presumed to represent the latest compilation of figures on the subject. It is estimated that 4,000,000 new cars will be sold in 1924. Thus does the prolific motor voter multiply!

88860—309

Registration of motor vehicles. 1923

States.	Total registration of cars and trucks.	Passenger cars.	Trucks.	Motor cycles.	Total fees.
Alabama.....	126,642	112,797	13,845	599	\$1,532,614
Arizona.....	48,386	41,852	6,534	388	281,584
Arkansas.....	111,946	100,758	11,188	300	1,698,000
California.....	1,093,660	1,050,265	43,395	14,654	10,548,386
Colorado.....	189,500	176,000	13,500	2,500	1,125,500
Connecticut.....	191,647	156,747	34,900	2,500	4,329,269
Delaware.....	29,500	24,000	5,500	400	625,000
District of Columbia.....	103,171	94,787	8,384	2,510	445,712
Florida.....	160,000	130,000	30,000	1,200	1,968,000
Georgia.....	173,794	151,325	22,469	1,011	2,156,406
Idaho.....	62,350	56,950	5,400	670	913,440
Illinois.....	969,092	847,005	122,087	7,612	9,653,795
Indiana.....	582,882	509,821	73,061	5,000	3,993,699
Iowa.....	572,611	536,296	36,315	3,034	8,825,962
Kansas.....	375,594	349,038	26,556	1,950	203,158
Kentucky.....	196,110	175,869	20,241	1,014	2,680,580
Louisiana.....	138,500	117,500	21,000	350	2,200,000
Maine.....	106,847	91,055	15,792	1,558	1,659,349
Maryland.....	206,450	193,850	12,600	4,850	3,452,720
Massachusetts.....	566,150	482,645	83,505	11,733	6,989,633
Michigan.....	728,327	655,017	73,310	4,163	8,845,575
Minnesota.....	448,187	399,404	48,783	3,220	7,244,490
Mississippi.....	103,850	93,850	10,000	114	1,166,923
Missouri.....	450,800	405,720	45,080	2,000	4,800,000
Montana.....	73,827	65,448	8,379	374	729,678
Nebraska.....	285,488	258,941	26,547	1,605	3,350,640
Nevada.....	15,700	12,400	3,300	90	155,000
New Hampshire.....	59,571	52,583	6,988	1,987	1,447,000
New Jersey.....	418,212	329,534	88,678	8,779	7,927,439
New Mexico.....	31,737	28,564	3,173	172	280,000
New York.....	1,214,090	966,116	247,974	22,981	19,858,572
North Carolina.....	247,700	226,500	21,200	1,300	6,642,503
North Dakota.....	109,244	105,957	3,287	645	760,444
Ohio.....	1,072,750	924,832	147,918	15,300	9,500,000
Oklahoma.....	307,000	288,424	18,576	823	3,380,000
Oregon.....	166,403	152,967	13,436	3,140	4,069,550
Pennsylvania.....	1,064,625	899,697	164,928	19,817	15,828,494
Rhode Island.....	116,940	93,303	23,637	1,800	1,440,257
South Carolina.....	128,656	116,537	12,119	561	902,608
South Dakota.....	131,707	121,152	10,555	466	2,000,000
Tennessee.....	165,000	146,500	18,500	800	2,200,000
Texas.....	688,899	618,208	70,691	3,346	5,647,663
Utah.....	66,025	57,460	8,565	766	834,225
Vermont.....	52,776	49,420	3,356	839	938,860
Virginia.....	217,200	188,200	29,000	1,800	2,500,000
Washington.....	258,264	221,164	37,100	3,560	4,200,000
West Virginia.....	157,926	150,472	7,454	1,353	2,608,508
Wisconsin.....	455,714	422,714	33,000	5,643	4,968,053
Wyoming.....	39,845	35,295	4,550	291	415,000
Total.....	15,281,295	13,484,939	1,796,356	171,568	189,919,289

OUR LADY OF GUADALUPE

It is a matter of history ^{that} when Cortes had made him- [46]
self master of the Aztec capital and overthrown the bloody idols
in the native temples, he set up in their place for the adora-
tion of the people an image of the ~~the~~ virgin mother of God. This [47]
image, having been brought from Spain, bore the Spanish features
and was to all intents and purposes a foreigner. One of the sol- [47]
diers who was an artist, conceiving that he could improve upon
it and make its worship more acceptable, fashioned another image
and gave it Aztec features and an Aztec dress. As soon as he
finished his work he secretly carried it about a league from the
city and set it up over a maguey plant. He then spread about a
report that the mother of God had made a miraculous appearance
in the likeness of an Aztec virgin. In a short time there was
a great rush to the spot and a great excitement created in favor
of the new image. The Spanish priests, taking advantage of the
popular enthusiasm, adopted the story of the miracle told by the
soldier; named the image 'Nuestra Señora de Guadalupe'; declared
her the patroness and protectress of Mexico and its provinces;
ordered the erection of a shrine and church upon the spot, and
instituted a grand religious festival, to be held upon December
12 of each year, in her honor. Starting from this beginning,
the worship of Our Lady of Guadalupe soon became general
throughout the country and the devotion of the natives especially
ardent. When Hidalgo raised the standard of revolt against Spain
in 1810, he gave to each of his soldiers a badge containing an

Our Lady of Guadalupe -2-

engraved picture of the Aztec virgin, which was looked upon as a sort of charm; and his soldiers were taught and they and the entire native population implicitly believed that the same mother of God, who had once been made use of to enslave them, would now lead them on to conquer and drive out their foreign oppressors."--Hittell, History of California, Vol.II,

pp.46-47, San Francisco, 1885.

THE THREE GREAT CURSES OF THE INDIAN

The Indian, be he old or young, ignorant or intelligent, inclined to good or inclined to evil, must face Three Great Curses. He cannot avoid them; they confront him at every turn and conspire to work his ruin.

They are: the Pratt Policy, the Religious Fanatic, and the White Man's Environment.

1. The Pratt Policy.-- A policy, however disguised in robes of philanthropy and religion, whose ceaseless effort is to transform an Indian into a white man in the shortest possible time and by the most direct route. It openly aims to abolish family and tribal ties, leading the youth to abhor all things Indian--with the usual accompaniment of contempt for his own parents and people.

2. The Religious Fanatic.-- The well meaning person who, irrespective of sex or creed, believes that all religions save his own are rank superstitions, and insists that the first step in improving the condition of the Ungodly Savage is to drive out his old religion and ram down his throat one of another kind. The sublime presumption of these venders of particular brands of religion, each exalting his own to the be-

littlement of the others is a present day example of religious intolerance reflecting the persistence of ancient ^{dogmas} superstitions. These enthusiasts rarely stop to think that if they succeed in destroying a man's religious beliefs and moral standards they are casting him adrift.

A century or more ago, the great Seneca Chief, Red Jacket, spoke these truthful words:

"Brother, our seats were once large, and yours were small. You have now become a great people, and we have scarcely a place left to spread our blankets. You have got our country, but are not satisfied; you want to force your religion upon us."

3. The White Man's Environment.-- We have replaced the Indians' happy aboriginal surroundings of freedom, independence, and abundance of food, with an atmosphere of aggression, dictation, starvation, and sin. What is the natural outcome of lifelong contact with the prevalent class of frontier whites--men who regard the Indian as just prey; men who profit by selling him bad whisky and charge for ordinary commodities at least double their value; men who consider it a joke to help themselves to his hay or break down his fences so their stock may feed on his crops; men who have

many times driven him from his ancestral home, taking possession of his water and his land; men who resist with a club or a gun any interference with such liberties as they may insist on taking with his wife and daughters!

There are those who deem strong drink the greatest curse of the Indian; but drink is only one element--albeit a highly potent one--of the complex of hostile environments we have thrown about him.

IDAHO LEGISLATION CONCERNING INDIANS

It is said that some years ago resolutions for the total extermination of Indians were passed by the Legislature of Idaho, as follows:

"Resolved--That three men be appointed to select 25 men to go Indian-hunting; and all those who can fit themselves out shall receive a nominal sum for all scalps that they may bring in; and all who cannot fit themselves out, shall be fitted out by the committee, and when they bring in scalps, it shall be deducted.

"For every Buck scalp be paid one hundred dollars, and for every Squaw fifty dollars, and twenty-five dollars for everything in the shape of an Indian under ten years of age.

"Each scalp shall have the curl of the head, and each man shall make oath that the said scalp was taken by the company."

C.F.Gordon Cumming, Granite Crags, p. 158, 1884.

Calendar No. 104.

60TH CONGRESS, }
1st Session. }

SENATE.

} REPORT
No. 95.

PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

JANUARY 23, 1908.—Ordered to be printed.

Mr. SUTHERLAND, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 517.]

The subcommittee of the Committee on Indian Affairs, to whom was referred the bill (S. 517) authorizing the purchase of lands for California Indians, report the said bill favorably and submit the following copy of a letter from the Commissioner of Indian Affairs showing the necessity for the legislation recommended:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1907.

MY DEAR SENATOR: The act of June 21, 1906 (34 Stat. L., 325, 333), appropriated the sum of \$100,000 for the purchase of lands and water rights for the Indians in the State of California. This appropriation is now nearly exhausted, and while a great deal has been done for the betterment of the condition of these Indians, it is apparent that the amount will be wholly inadequate to carry out the purposes for which the appropriation is made.

The following bands of Indians are reported by Special Agent C. E. Kelsey as being greatly in need of lands:

Crescent City, in Del Norte County; Loleta, Bucksport, and Mad River, in Humboldt County; Sherwood, De Haven, Westport, Fort Bragg, Noyo, and Potter Valley, in Mendocino County; Stewarts Point, Dry Creek, Cloverdale, Sebastopol, and Bolinas, in Sonoma County; Lake Port and Sulphur Bank, in Lake County; Pas-kenta, in Tehama County; Elk Creek and Grindstone Creek, in Glenn County; Stony Ford, in Colusa County; Ione, Richey, and Jackson Valley, in Amador County; Lemoore, in Kings County; Laton and Sanger, in Fresno County; Mariposa, in Mariposa County; Groveland, Cherokee, and Tuolumne, in Tuolumne County; Murphys and Sheep Ranch, in Calaveras County; Nashville, in Eldorado County; and possibly some others.

It is but justice, both to the Indians and to the citizens of the State of California, that the Congress make suitable provision to place the Indians of the State of California in a position to gain their own livelihood. It is not intended to give these Indians farms, but merely to purchase for each Indian, or family of Indians, a small tract not exceeding 5 or 10 acres, on which it will be possible to erect homes and cultivate small gardens or orchards.

When California was ceded to the United States by the treaty of Guadalupe Hidalgo, the Indian occupants of that State had certain rights to the lands which they occupied, and, under the law then existing, they could not be legally evicted therefrom. With the advent of the white settlers who poured into the State

attracted by the discovery of its wonderful mineral resources, the usual event happened, and the weaker native population were in a multitude of cases crowded out of their homes. In the confusion and excitement attendant on the mining enterprises, also, treaties which had been concluded with various tribes or bands were ignored and failed of ratification, the Indians, of course, never being paid for their lands.

To remedy, at least in part, the wrong which has been done these Indians, I have caused to be prepared a draft of a bill carrying an appropriation of \$50,000 to complete the admirable work which has been going on during the last year for the betterment of the condition of the California Indians.

As it is impossible now to undo all that is past and restore the original owners of the soil to the possession of it, the Congress is asked simply to do what seems to be reasonable, namely, to give homes to the homeless Indians and let them have a fair start in life even at this late day. If the appropriation asked for were many times as large, it would not compensate the Indians for all they have lost, measured by a mere pecuniary standard; and all that is asked is a provision whereby the Department can place these poor people on small tracts of land sufficient in size to provide the necessities of life, leaving them to work out their own salvation thereafter.

Agreeably to your oral request, the draft is inclosed herewith, and I respectfully request that you introduce it in the next Congress and cooperate with the Office in securing its enactment into law.

Very respectfully,

F. E. LEUPP, *Commissioner*

HON. FRANK P. FLINT,
United States Senate.

O

The FORUM

247 PARK AVENUE, NEW YORK



August Fifteenth
1924

Ans. Oct. 19, 1924

My dear Dr. Merriam:

Our seeming discourtesy in not acknowledging your manuscript on the Indian question submitted to us some time ago, needs a word of explanation.

Your manuscript reached us too late to be incorporated into our symposium. We have held your manuscript, among about twenty others, hoping from month to month that space in THE FORUM would be available for further discussion of the Indian problem, an "Indian Cycle", possibly.

We still have that thought in mind and are holding your manuscript for such a possibility. Your views were well expressed, setting forth a fund of valuable facts.

Further word will be sent you relative to this matter and your manuscript will be returned at a later date.

Thank you very sincerely,

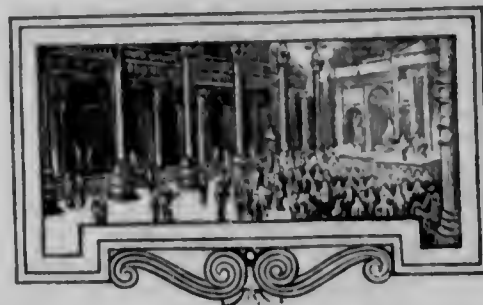
Henry Goddard Leach

EDITOR

Dr. C. Hart Merriam
Washington
D. C.

The FORUM

247 PARK AVENUE, NEW YORK



October 29, 1924

Dr. C. Hart Merriam:
1919 Sixteenth St.
Washington, D.C.

My dear Dr. Merriam:

As you will observe in the November FORUM, our "Cycle on the American Indian" has already been published. Your letter telling us that the Secretary of the Interior has put a stop to the allotment of Indian lands in southern California, reached us after this issue of the magazine was before the public. I am very sorry that this has happened. The only way we can retract this statement is through our Rostrum pages at a later date. Would you like to address such a letter to "The Rostrum?"

I am returning your manuscript as you request. Thank you very much for your interest and assistance.

Very sincerely,

Spalding Chapin
ASSOCIATE EDITOR

In 1874 Hon G. K. Luttrell
asserted in Congress that
15 Annual appropriations
had been made by Congress
for ^{the} Shasta tribe but
~~that~~ not a dollar
had reached them - absorbed
by the Agts.

UTE INDIANS OF NORTHERN UTAH

In 1863 the Ute Indians complained of the continued encroachment of the whites in "crowding them off their lands and hunting grounds". They would often say, "White man's horses, cows and sheep eat Indian's grass. White man burn Indian's wood, shoot Indian's buckskins [deer], rabbits, etc."

Peter Gottfredson, Indian Depredations
in Utah, 121, 1919

The Indian Bureau has always used this method of political control of legislation successfully, but its perfect development has come since 1914 during the regency of Assistant Commissioner Edgar F. Meritt, the genial, intelligent and serviceable master-manipulator of Congress and the permanent chief of the Indian Bureau bureaucracy.

wellfare

In one case, Lieutenant Jose Francisco Palomares set out to punish Indians who had robbed his poultry yard. He and his soldiers surprised them, six in number, at breakfast and killed four, taking the other two as prisoners. Of these he says, "I commanded my companions to tie them hand and foot and stretch them out face up. They did so." Continuing, ~~he says~~ ^{he wrote} of one of his victims, "I dug out his eyes with the point of my dagger and then ordered that he be set free in that desolate mountain." What he did to the other is too revolting to describe.

The same officer, Lieutenant Jose Francisco Palomares, tells of the burning of a ^{temescal?} ceremonial house, ~~which he calls a temescal, with~~ ^{containing} a large number of Indians. The Indians had been accused of stealing horses and were forced to the rancheria of the Atalanes where one of his soldiers, taking a brand from a nearby fire, ~~he~~ sought a suitable place in the temescal, and removing with great care the covering of earth on the outside, he set fire to some dry limbs that were in back. At once there was a great blaze of fire illuminating the whole country. By the light we could see what happened inside. Men, women and children were all in confusion, viewing with terrified eyes the progress that the devouring element made. At each moment the opening made by the flames broadened, and new and affecting scenes were presented to our sight. From moment to moment the most terrible cries and shrieks of pain were heard. We believed that the Indians, forced by the fire, would come out finally. But we were mistaken, for soon we saw the temescal burning on all sides. . . . There was so

much smoke and noise of flames and of cries and lamentations of the dying people that we could neither see nor hear. Finally the roof fell in with a great noise We returned to the pueblo without having fired a single shot or taking our guns from their places, and full of admiration for the gentiles ^[Indians] who preferred death by fire rather than to surrender to their enemies. I cannot tell exactly the number of victims of this disaster, but I think there were about 70 of both sexes and all ages."

Bratt Salley



fully accredited than in the nonreservation Indian schools just then starting. Hampton, already dedicated to the accomplishment of definite industrial ends for another race, began to receive Indians on like terms for the same purpose. Carlisle, from the beginning, was a technical school in a rather strict sense. An utterance of its founder, Capt. R. H. Pratt, some years later, may be taken as an expression of the Carlisle platform over his whole connection with the institution. He said:

We have an Indian problem because the Indian is ignorant of the language of the country and industriously untrained to take his place among our other people. The problem will remain as long as the Indians are continued in masses apart from our other people, because by such massing they are held to their industrial inability and their ignorance of our language.



Vocational Training for the Indians:

By W. A. Cook, in Vocational Education.



SINCE the onset of the industrial movement in our schools, numerous educators have become quite involved in the "motor training" and "pedagogical



The Redman - April 1917.

General Pratt Dissents to Separate Indian Organizations for the Army.

ONE of the Indian school papers gives a proposition by Mr. Ayer, a member of the Board of Indian Commissioners, to raise regiments of Indian soldiers. Allow me to dissent from Mr. Ayer's method.

In the nineties, under the Secretary of War Proctor, a scheme to have a company of Indian soldiers in a number of our regular regiments was inaugurated. Some of us opposed, giving as our reasons that it was not recognizing the manhood and ability of the Indians and was continuing to make him an exception in the American family. That it was creating Indian reservations in each regiment where such Indian company was incorporated. That it was a continuation of the segregating Indian system. There were other patent reasons, but these are sufficient. These companies were disbanded within two years and the system pronounced a failure. I had previously urged the adjutant general to take Indians into army service as individual men and put no two Indians in the same company. After this failure my suggestion was accepted and my influence used and fifty were enlisted. There were no failures. Several of them distinguished themselves in the Philippine and China wars. One, an Osage, did so well in the Ninth Infantry that he was advanced to first sergeant in his company. Twice during his enlistment he had special mention for gallantry. Another was one of the body-guard of General Lawton when he was killed and who shot out of a tree the Filipino who had killed his general.

The Indians should furnish their full quota of our national defenders but should be taken into regular companies as individual men and never as purely Indian organizations. This would wipe out, instead of strengthening, racial prejudice. It would also make real soldiers out of the Indians and abolish exploitation of the race, which is one of the evils they have been subject to all the years.

Segregating, reserving, has been the bane of Indian management from the beginning and will continue to be so long as it prevails. Those who assume to advise as to what should be done with the Indians need larger vision.

By all means let us have a full proportion of Indians in the army,

but no special Indian organizations. If practicable it would be better that no two Indians be placed in the same company.

Instead of keeping them near their reservations, as Mr. Ayer recommends and as was provided in the Indian companies in the nineties, they should be sent away from home and treated in all respects the same as all other men in the army. Even three or four Indians in one company would be an Indian reservation in that company.

I belonged to a colored regiment for more than thirty years—the Tenth United States Cavalry. It was against the best interests of the negro that he was put in the army as a separate organization, and yet the negroes should furnish their full quota of national defenders. The creation of four regiments of negroes in the regular army was a tremendous prejudice builder and a clear violation of the constitutional amendment which provides that there shall be no distinction on account of race, color, or previous condition of servitude. Indian regiments would be equally unconstitutional and equally prejudice builders.

If the army is increased to half a million men the Indians' proportion would be less than 1,700. That number of most efficient Indians can easily be found and enlisted in a month, and I know there is hearty welcome for them in the regular companies.

Do what you can to prevent the accomplishment of Indian organizations in the army, but do all you can to have the Indians furnish their full proportion of men required for our national defense.

R. H. PRATT.

1616 La Vereda Street,
Berkeley, Cal.
March 26, 1917.



The essence of Pratt's Policy toward Indians was:

1. To tear children away from their fathers and mothers and brothers and sisters (kidnapping them if necessary and forcibly preventing their return);
2. To root out so far as possible the deep religious feeling inherent in most Indians, and substitute therefor new Gods and new Ideals;
3. To destroy respect for tribal laws and practices of morality and honesty, and substitute therefor the White Man's laws and practices;
4. To teach Indians to despise the customs, beliefs, and religious rites of their ^{own} people;
5. To educate them according to today's standards of their White Rulers;
6. To fit them so far as possible for White Man's occupations;
7. To treat them as individual units, scattering them here and there among the Whites, keeping them permanently apart from their own people, thus severing ~~former~~ family ties, and in most cases

making marriage and home life impossible.

In short, the effort of the Pratt Policy is, to deprive the developing child of its mother's kindly influence and guidance; to stifle affection and patriotism; to abolish family and tribal ties; to create contempt of one's own parents and people, and abhorrence of all things Indian; to teach young Indians the social practices and business vocations of the Whites and scatter them widely apart, far from their own people, to live and die in lonely solitude -- a heartless, inhuman policy; one ~~which~~^{that} has broken thousands of noble hearts and filled hundreds of drunkard's graves.

The effect of this kind of training, in connection with the influence of the Whites with whom the lot of most Indians is cast, is, in the majority of cases: first, an enthusiastic acceptance of the new outlook, with eager anticipation for the new life; then, a slow but growing recognition of the fact that the lot of the Indian striving for a livelihood among foreigners

(for to him we are foreigners in more senses than one) is not only full of setbacks and disappointments, but one of intolerable loneliness and solitude; followed finally by the realization, ~~of the utter~~ ~~utter hopelessness of his situation.~~ He learns ^{(that the charity} ~~consists of words rather than deeds, it)~~ and good fellowship of the Whites ^{is a theory} ~~not a fact, and therefore~~ ^{rather than a practice.} ~~The~~ ^{man} finds himself an outcast among those who led him away from his own people ^{to} whom he cannot return.

The loss of family ties has sapped his morality and destroyed his patriotism. Discouraged, broken hearted, ^{convinced of} ~~but~~ ~~alive to~~ the hopelessness of the situation, is it to be wondered at that so many drift with the downward current, and that so many fill druhkard's graves?

ROUND VALLEY INDIAN MASSACRE

Humboldt Times, Apr.23,1859

Extensive Indian killing has been and is occurring in the vicinity of Round Valley. In the past 3 weeks from 300 to 400 bucks, squaws and children have been killed.

Killing of live stock of whites and resistance to removal to Reservation are the cause of attacks.

Merran

Yahnah

The Red Bluff Semi-weekly Independent publishes the following accounts of the killing of two girls by Indians in Rock Creek Canyon and the subsequent destruction of an Indian camp about four miles from Dye's Mills by a party in pursuit of the guilty Indians:

"The cruel murders perpetrated at Rock Creek last week, has created a general feeling of indignation among our citizens, and the general expression is, that the prowling savages must be effectually wiped out. We have received a letter from J. W. Lemons, of Deer Creek, giving the particulars of the sad affair, a portion of which has been heretofore published. From this letter we learn that the Indians, ~~after killing and scalping~~ [?] ~~Thomas Allen, and wounding the Indian boy,~~ attacked a party of young people, out blackberrying in Rock Creek Cañon, and captured Miss Ida Heacock, aged 17 years, her sister, aged 13, and a brother aged 10. A party who went in pursuit of the Indians found the bodies of the two girls, pierced with arrows and scalped, and stripped of their clothing. The boy has not yet been found. Men all along the valley are turning out in pursuit of the murderous savages. Dr. S.M.

Merran

Yahnah

Sproule, of Chico, has gone below for arms and ammunition, and assistance. There should be a general turnout from all sections, and every Indian exterminated that can be found in the mountains east of us. No person is safe along this valley as long as the savages are permitted to prowl around unmolested. It was only last spring that Mr. Meador was chased by Indians near Antelope, and the only way to deal with the rascals is to shoot them down upon sight."--Red Bluff (Calif.) Semi-weekly Independent, July 1, 1862.

"News came from the east side of the river, on Tuesday afternoon, that 150 Indians, painted and with heads shaved, were in the vicinity of Dye's Mill, prepared for war. The news was accompanied with the Macedonian cry, 'Come over and help us!' Several citizens, this hombre among the rest, armed and equipped as the law directs, and bent upon obtaining numerous Indian scalps, responded to the call, went over to Antelope, scoured the country, but didn't get sight of an Indian, nor obtain a scalp. The alarm grew out of the breaking up of an Indian camp some 4 miles from the mill, by L.V. Loomis and 9 others, scattering the Indians, burning their camp, with all their accoutrements, and finding the clothing of the two girls that were so barbarously murdered on Rock Creek, also the boy's shoes. The red devils left in a hurry, though nearly 150 strong, on the approach of the white party, taking to the hills. . . ."--Red Bluff (Calif.) Semi-weekly Independent, July 4, 1862.

CLEAR LAKE INDIANS

In massacre of March 12, 1843, "the Indians against whom the expedition was sent were the Mottiyomi, Chillyomi, Holiyomi, Taliyomi, Supuyomi, Paguenjelayomi, Sicomyomi, Hayomi, and Clustinomayomi."--Vallejo, Doc. MS, xi, 354, in Bancroft, Hist. Calif., IV, 362-363 ft.note, 1886.

Y **BROSIOUS**

[1909]

CALIFORNIA ARCHAEOLOGICAL SURVEY

R-5

A Threatened Wrong

TO THE

YUMA INDIANS

Will You Help Avert It?

Mr. S. M. Brosius, of Washington, D. C., Agent of the Indian Rights Association, Provident Building, Philadelphia, Pa., should command the respectful attention of the public in this eloquent plea he has made for the Yuma Indians. The statement of Rev. J. M. Ocheltree giving in detail the present condition of the Yuma tribe lends added weight to the great need of effort in their behalf. We request friends of the Indians to address their Senator and Representative in Congress, together with the Honorable Commissioner Indian Affairs, Washington, D. C., urging that the necessary steps be taken to secure an allotment of not less than ten acres of irrigated land for each member of the Yuma tribe. Please act without delay.

Mrs. J. A. Johnson, National Bureau Secretary for Pacific Coast Indians.

Mrs. I. J. Reynolds, President Womans Home Missionary Society Southern California Conference.

Mrs. P. H. Bodkin, Corresponding Secretary, Womans Home Missionary Society.

A PLEA FOR JUSTICE FOR THE YUMA INDIANS.

While generous provision has been made in the recent past for the roving bands of Mission Indians in Northern California, the needs of the Yuma tribe in the Southern portion of your state has not been the subject of special consideration by the public.

The Yuma Reservation, containing 45,000 acres, was set apart for their use by Executive order, in 1884, and they have continued their residence on these lands since that time. By appropriating the available river and flood water these Indians have been enabled to supply themselves with the simplest necessities in their effort at self-support.

Authority was granted by Congress in 1894 to construct an irrigating plant which contemplated using the Colorado River and flood waters for irrigating the Yuma Valley in California and Arizona within which the Indian lands were necessarily included. This enterprise not being undertaken, after a lapse of ten years the Reclamation Service was authorized to undertake the work of constructing reservoirs and canals for the Greater Yuma Project.

The act authorizes allotments of five acres of irrigated lands to each member of the tribe and the sale of the remaining lands

of the Yuma reservation, with the provision that any moneys realized from the sale of the unallotted lands (basing the amount of such surplusage on the value of the land before irrigation) shall be applied in reimbursing the Reclamation Service for the cost of irrigating the five-acre allotments.

It is claimed by the friends of the Yumas that it will be a great injustice to allot to them so small a farm and **that not less than ten acres** should be given each member of the tribe.

When comparison is made with the more bountiful provisions of law providing for the allotment of tribal lands to other Indians, as well as for allotment to Indians located upon the public lands of the United States, wherein each member of the family may be given one hundred and sixty acres of grazing land, while the acreage to homestead settlers locating on the public domain is **limited** to a like number of acres to the head of a family and single persons over twenty-one years of age, it will be seen that the policy of the Government in other cases has been to make more liberal provision for Indians than for persons taking advantage of the homestead law.

Under the **Yuma Project** more than seventeen thousand acres of the Yuma Reservation lands will be irrigated, not over **one-seventh** of which will probably be re-

quired for the five hundred Indians on the basis of the present per capita allotment of five acres. It cannot, therefore, be claimed that the Indians will secure the bulk of the lands if their allotment should be increased to ten acres.

Excepting a tract of one thousand acres, subject to overflow, which has been reserved by the Reclamation Service to protect the levees, and from which the Yumas may be permitted to cut the dead and down timber, each Indian allottee will be limited to his five-acre tract for plow and pasture land. By no other law, so far as recalled, has Congress directed so **meagre an allotment** to Indians, especially where they own their lands. The highest court of the land has decided that reservations established by Executive Order **belong** to the Indians living thereon. While Congress has the power to direct that an entirely inadequate amount of land may be allotted to Indians in a given case and the surplus lands sold, such a condition is not contemplated, and the wrong legalized in this case should be speedily corrected. That five-acre allotments will be altogether too small to enable the Yumas to progress toward our civilization must be apparent. They are not skilled farmers, in fact are not at all in a position to make the most of unfavorable surroundings, and cannot be expected to secure the best results

from use of the lands. To insist that the Indians should turn to truck farming we think will be regarded as thoughtless and dismissed as impracticable since no profitable market could be secured for more than a very limited supply of the product of the garden.

Many of the settlers in Imperial Valley, which lies contiguous to Yuma Valley, have been forced to abandon truck farming as altogether unprofitable, the railroad and commission charges often exceeding the amount realized from sale of their shipments. These farmers are now turning their attention to general farming, which requires a much larger acreage.

The prior settlers in Yuma Valley, by a recent decision of the Secretary of the Interior, will be permitted to purchase one hundred and sixty acres of irrigated lands each, under the Yuma Project, and those persons who may hereafter settle on the irrigated lands in this Valley and within the Yuma Reservation will be allowed forty acres each. From every standpoint it seems grossly inequitable that the Yuma Indians—the **present owners** of the land—should be compelled to accept a **five-acre allotment** as their per capita share of their own reservation. The Yumas strongly protest against this threatened wrong and appeal to the justice-loving people of the State and Na-

tion to exert their influence in securing not less than ten acres for each allotment of irrigated land for their homes.

August 26, 1909. S. M. Brosius,
Agent Indian Rights Association.

McGill Bldg., Washington, D. C

I am heartily in sympathy with Mr. Brosius' article in behalf of the Yuma Indians, and am glad that something is being done to bring their needs before the public. For more than two years and a half I have had charge of the Methodist Mission on the Yuma Reservation, and live among these people. I have lived in the Yuma Valley for the past four years and have been a close observer of the diversified conditions, climatic and otherwise, prevailing there, and out of both observation and experience I am prepared to say that I do not believe it possible for a Yuma Indian or any other man to make a respectable living on five acres of land. They might raise enough to eat, but they need more than that. They need groceries, clothes, and money for other expenses that every man who supports a family must have. The Yumas could not live and make ends meet on the little land they will get in the allotment.

By virtue of an agreement entered into in the year 1884 between the Yumas and the United States Government, they own the reservation containing 45,000 acres. This

land, until two years ago, was used for grazing purposes, and the money paid to the Government for the grazing privilege was used to purchase farming implements and other necessary things for these people. This land also produced a vast amount of timber, such as willow, mesquite, ironwood and cottonwood trees, much of it being sold to white settlers for fencing and fuel, and a vast amount of it has been shipped by rail to various towns adjacent to Yuma. And while this land was never improved as the white man would improve it, yet it yielded a living for them.

It should be remembered that when this land is taken from them, we are taking what justly belongs to them and are taking all they have, except the little patch allotted them by the Government. When it passes from the ownership of the tribe it is gone forever, and they will be left in poverty to perish, because their property has been thus taken from them and they are not intelligently nor physically able to go out into the world and compete with the white man.

The public does not know of their present poverty-stricken condition. They used to earn their living on the overflow land of this reservation, growing such products as corn, wheat, barley, melons, pumpkins and beans. But for the past two years the water has been shut out from their lands by

the Government levee and they have raised practically nothing during this time, and the Government has not fed them, nor made any provision for them between the time of the construction of the levee and the completion of the irrigation project, when they will be given water for irrigation. Two years have already elapsed and we do not know how long yet they will have to wait. To my own personal knowledge, many of them have suffered and some have died for lack of food.

There is a tendency to push the Indians back to the starvation corners of the earth and let them die and get out of the way. I believe that unless the Christian public will come to the rescue, that out of the land-grabbing, grasping greed of the times, this interesting tribe of aborigines will soon be no more. The question is—**Will the public** stand by and see this **wrong** committed against these people without trying to prevent it. Let every man or woman who wants to see justice done ask that ten acres be given them instead of five, and do it now.

J. M. Ocheltree,

Yuma, Arizona.

Missionary to the Yuma Indians under
Methodist Episcopal Church.

Thomas S. Martin, a hunter who accompanied Fremont's Expedition of 1845-6, in a narrative dictated for the Bancroft Library, gives the following account of an expedition against the Indians on the Sacramento River, N of Deer Creek in the spring of 1846.

"When we got ^{back} to Deer Creek (where Fremont's party were in camp) the settlers of that section were very much alarmed, the Indians having threatened to massacre them all, and it was reported that they were already gathering for that purpose. They asked Fremont to protect them. He refused, as he had no right to fight the Indians, but he told us that those who wished to take part in an expedition against these Indians, he would discharge, and take on again afterwards. Four of our men were hired by the rest to stay and take care of the camp while all of the remainder were gone on the expedition. At the foot of the low hills where the Sacramento river comes out of the mountains, on the left side of the river going up, we found the Indians to the number of 4000 to 5000 on a tongue of land between the banks of the river, having a war dance preparatory to attacking the settlers. Our advance guard of 36 first came in sight of them and immediately charged and poured a volley into them killing 24; they then rushed in with their sabres. The rest of the party coming up, they charged in among them and in less than three hours we had killed ^{over} 175 of them. Most of the Indians escaped to the neighboring mountains."

Thomas S. Martin, Narrative of John C. Fremont's Expd. to Calif. in 1846, pp. 13-14. MS. Bancroft Library, 1878

THE SAN JOAQUIN COUNTY INDIANS DRIVEN FROM THEIR HOMES

"The last remnant of the Indians of San Joaquin County, seeing the lands all passing under the control of the whites, sought to save a little piece for themselves, by purchasing it from the people who had ^{taken} ~~stolen~~ it from them. They made a bargain with a man by the name of Thomas B. Parker, to take up for them a school section for which they were to pay him in work \$350. They worked until, by an agreed price, their labor amounted to \$ 371, but they never received a title to the land. Mr. Parker was killed in the mines before deeding the land to them, and they were turned off from the section by an order of ^{the} court."

)) Illustrated History of San Joaquin Co. Calif. p 28, 1890 .

Adam Johnston in a letter to Hon. Orlando Brown, Commissioner of Indian Affairs, dated San Francisco, March 1, 1850, says:

"In view of the gross frauds going on, touching both the rights of the Indians and the interest of the government, I have caused a notice to be published in the 'Daily Journal of Commerce,' of this city (a copy of which I have forwarded to you,) touching these numerous unwarrantable seizures and disposition of the lands aforesaid. I regret that I am not able, at this time, to give you a more detailed account of these transactions, but shall do so by the going out of the next mail which leaves this port for the States.

"I observe two slight mistakes in the publication of the notice: one in my official address; the other touching the bounds of my agency--Captain Sutter having been appointed for the valley of the Sacramento. I have had a conference with him, and it is our intention to start out on our respective routes as soon as the weather becomes settled and the waters of the streams subside, that we can traverse the country with safety. I was glad to learn his appointment, as he is known to almost all the Indians of this country, and is, perhaps, better calculated for success with them than most men."

Senate Doc. 4, pp.36-37, 1853.

FOR PRESERVATION OF PEACE WITH CALIFORNIA INDIANS

L. Lea, Commissioner of Indian Affairs, writing under date of Sept. 4, 1852, to Edward F. Beale, Supt. of Indian Affairs for California, stated that among the items approved by Congress on Aug. 30, 1852 for the Indian Service in California were an appropriation of \$100,000 "For the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent arrangements can be made for their future settlement".

The same letter contains the following statement:

"Of the appropriation of \$100,000 made for the preservation of peace among the Indian tribes of California, the treaties having been rejected by the Senate, it has been determined to apply \$25,000 to the purchase of suitable presents for those Indians who have been dispossessed of their lands, and for transportation of the same. This purchase will be made by or under the direction of Pearson B. Reading, esq., of whose experience, and knowledge of what is most suitable for the Indians in California, the department desires to avail itself; and it will be made in time for the goods to be shipped to your address, by the steamer of the 20th instant."

Senate Doc. 4, pp.29-30, 1853

CAMPAIGN AGAINST INDIANS AT 'CALAVERAS', NEAR STOCKTON, CALIF.

José Maria Amador, who took part in many of the early campaigns against the Indians and who was a soldier in the San Francisco Company from 1810 -1827, in recollections given to the Bancroft Library, tells of a campaign against Indians in 1818 at the place called Calaveras, "a little beyond the present city of Stockton."

In 1818 I set out with Lieut José Antonio Sanchez (15) on a campaign to the place of the Calaveras [Skulls], a little beyond where the city of Stockton is to-day. The expedition was composed of 25 soldiers and the lieutenant and some Christian Indians as auxiliaries. Here we had a battle with the natives. We had one Indian auxiliary killed and five wounded men, [José Higuera, Pablo Pacheco, (16) Agustín Bernal, José Maria Gomez and I. We killed as many as 50 Indians and took 50 more prisoners, and withdrew with our prisoners to San Francisco. The engagement began in an arroyo and ended in an oak forest. Those that did not fall into our hands, escaped in the woods. They must have had many wounded among them. We went after them in the woods, shooting and charging on them with our lances and made a great slaughter. The reason that we went to attack them was because they had killed some Christians at the mission of San José. The prisoners were put to work [on the adobes of the San Francisco Presidio]".

José Maria Amador, Memorias sobre Historica Calif. [Recollections of Calif. Hist.] pp. 15-16, MS, Bancroft Library, 1877

General Bennet Riley, Governor of California in 1849, states in an official report to the War Department that in April 1849, "a body of Oregonians and mountaineers had committed most horrible barbarities on the defenceless Indians" in Sacramento Valley; and that retaliatory depredations by Indians were made the pretence by the whites "for the commission of outrages of the most aggravated character--in one or two cases involving an indiscriminate massacre of wild Indians of the Sierra and tame Indians of the ranchos". (Frost, Hist. Calif. 1850)

ATTACK ON MODOC INDIANS, 1853.

The following is from the Sacramento Daily Democratic State Journal, October 22, 1853.--

"A letter from Capt. Miller's camp, on Lost river, says the Indians there are stealing the immigrants' cattle. Several trains had been robbed of their stock in the vicinity of Goose Lake, and Capt. Miller has determined to make his head quarters there, and if possible break up the thieving band.

Tule Lost River is as large as the Shasta. It sinks in a Moola lake, near our camp, and forms a complete harbor for the Indians. On the 29th ult. Capt Miller and his company surprised a party of the Modock Indians, at Bloody Point, on the east side of the lake. He killed one and probably wounded several others, as they fled precipitately into the lake. He also captured 2 squaws, 2 children, and a canoe loaded with geese, ducks, fish and a large quantity of seed. He took from them a few bows and arrows, and a splendid Indian fishing gig which he intends sending to Washington City."

Antonio Francisco Coronel (who settled in California in 1834) in recollections about California dictated for the Bancroft Library, gives the following notes concerning atrocities committed against the Indians in the Sacramento Valley between the lower American and Cosumnes rivers in 1849.

"In coming down from the north to Estanislao, we made [173] camp in a place about 2 miles south of Sutters Mill. At a little distance from here there camped a party of foreigners of several nationalities. Among them was Sisto Berreyesa and a certain Molino Sonense, one of the first of those who came to California. This party had under their charge a number of Indian men and women and children of both sexes. They arrived at my camp and established themselves near there.

To prevent any of these Indians, who were prisoners, and who numbered some 40 men, 10 or 12 women, and 5 or 6 children, from getting away, they made the men stretch themselves out on the ground face up, with their feet toward the center of the circle which they formed. They tied them together by their feet and guarded them, preventing them almost wholly from moving. They were naked, and it was cold and they would not let them have any fire. A few coals were lighted for the women and children, which also served to watch them by, and to keep [174]

the watchers warm. Their leader came to me asking me [174]
to help guard these Indians because he had to go on an
expedition to a neighboring place. I said that I could
not do it, pretending that I had to leave very early
in the morning. Sisto Bereyessa informed me that the
expedition was going to fall upon the rancheria that was
on the other side of the hill of the American River, to
punish it, because two Americans were found dead there,
and these deaths were attributed to them.

Early in the morning while it was yet dark, the party
arose, and leaving Molino and two others there to guard
the prisoners they started off for the aforesaid rancheria.
Out of curiosity I saddled my horse and followed, keep-
ing them in sight but at a distance, so as not to be per-
ceived myself. The party arrived at a place near the
rancheria, and as soon it was light began to fire on the
rancheria. Here occurred a scene of horror, for the old
people, women, [children, and all the others, some with [175]
their bows and some without, ran in different directions,
some trying to escape to the river, but they were all
checked and riddled with bullets. I could not continue
a spectator of such horrible slaughter, and retired to my
camp. This occurrence was about the month of March, 1849

I immediately prepared to continue my journey --

shortly after they came to wake the prisoners stretched [175] on the ground, and as I could hear, to add them to the others they had taken alive at the rancheria. After this they went to Sutters Mills.

I went on my way, and on the road on coming to the river of the Cósemas, we overtook a party of about 20 and as many armed men. They passed us and leaving the road took an easterly direction. We followed. On coming out into the plain we turned toward the ranch, which as I recall it, belonged to Mr. Hicks. It had a great many men working in the wheat fields and a rancheria of Indians for this purpose. But on turning towards the house, we saw several Indians fleeing in different directions and
176 the party, which had not passed, following them and killing [176] those they overtook. Not wishing to witness this spectacle we changed our road promptly. On the following day I was told that the atrocity reached such a degree that the Indians, considering Hicks' house to be a refuge, ran to hide in it. Not even this place was respected, for the party entered the house and took away the Indians to kill them.

Such was the situation of these unfortunate people at this time that killing one of them in cold blood was the same as hunting a hare or rabbit. These infamies were brought to the attention of the military Governor, who visited these places to put a stop to them.

Antonio Francisco Coronel, Cosas de California [California Affairs], MS, Bancroft Library, pp. 173-176, 1877.

INDIANS

Hittell, in his History of California, throws a strong sidelight on the condition of the Indians under the tyrannical rule of the mission priests. He states that De Neve, Governor of California from 1774-1782, was strong ~~opposed~~ to the system of slavish subjection ~~to~~ which the Franciscans had reduced the Indians and in which it was their policy ~~to~~ to hold them. He remonstrated against the cruelties frequently practised and the course of repressive treatment uniformly exercised. He saw and said that this sort of treatment could have no other effect than to prevent anything like manly feelings or generous aspirations. He desired for the Indians a government less monastic in its ^{constitution} ~~condition~~ and less despotic in its exercise; and kept steadily in view their education as prospective citizens and the gradual development ~~of a civil~~ and assurance of civil and political liberties.

Hittell also gives at some length the impressions of the explorer La Perouse, who anchored in Monterey Bay in September 1786, and paid a visit to the neighboring missions. La Perouse was particularly struck with the condition of the Indians, which was one of abject slavery. The moment one allowed himself to be baptised, he states,

that moment he relinquished every particle of liberty and subjected himself, body and soul, to a tyranny from which there was no escape. The church claimed himself, his labor, his creed, and his obedience, and enforced this claim with the strong hand of power. His going and coming were prescribed, the hours of his toil and of his praying fixed; the time of his meals and of his sleep prearranged. If he ran away or attempted to regain his native independence, he was hunted down by the soldiers, brought back, ^{and} lashed into submission. His spirit entirely was broken, so that a short time after the establishment of a mission, anything like resistance was almost unknown; and its several hundred or perhaps a thousand Indians were driven to their labors, like so many cattle, by 3 or 4 soldiers. At Monterey, and the case was substantially the same at other missions, the Indians were roused with the sun and collected in the church for prayers and mass, which lasted an hour. During this time three large boilers of porridge called 'atole' were put on the fire. The Atole consisted of a mixture of barley, ~~th~~ which had been first roasted and then pounded or ground with great labor by the Indian women

INDIANS La P. 3

into a sort of meal, and water. As soon as prayers were over, a representative of each hut came with a vessel, made out of the bark of a tree, and received its allowance of atole, which was carried off and eaten; and after all were supplied the remnants and thicker portions at the bottom of the boilers were distributed as rewards to those children who had said their catechism the best. Three-quarters of an hour were allowed for breakfast. Immediately after it was over, all the neophytes, both men and women, were obliged to go to work, either tilling the ~~soil~~ ground, laboring in the shops, or gathering or preparing food, as might be ordered by the missionaries, under whose eyes, or the eyes of other taskmasters appointed by them, all the operations were performed. At noon the church bell announced the time for dinner, when the Indians stopped work, returned to their huts and sent for their midday allowance, which was served in the same vessels as their breakfast and consisted of a porridge, somewhat thicker than the atole, made of a mixture of ground wheat, maize, peas beans and water. This constituted their 'pozoli'. About 2 o'clock they were compelled to return to their labors again and continued until about 5; when they were again collected in the church for an hour of evening prayers, after which there was a distribution of atole, the same as at breakfast. Day after day, week after week and month after month, it was the same, with the exception that on Sundays and festival days there was no labor but three or four hours more of prayers.

. . . La Percuse summed up his observations by saying that what he saw and heard reminded him ~~not~~^{most} forcibly of a West Indian slave plantation, and the resemblance was complete when he saw both men and women in irons, and heard the sound of the lash as it descended on the bare backs of the men, who were flogged in public. The women were punished/ in a distant enclosure, so that their sufferings and cries might not excite too lively a compassion in the hearts of the spectators.-- Hittell Hist. Calif. 1, p.467-470

Treatment of California Indians

O. P. Morton
F. 100
B. 100
B. 100

Our California Indians, smitten by the blight of
foreign invasion, decimated by ^{war and by} diseases unknown
before to ^{came} ~~whitman~~, deprived of their ^{(original) homes} ~~lands~~
and ^{the after-slaughtered} ~~lands~~, attached ^{when} ~~to~~ fishing, ^{hunting, or} ~~and~~ gathering
acorns ^{for} ~~food~~; herded on reservations lacking in
necessary food ~~supplies~~, hounded by preachers of superstition,
and generally looked upon as inferior.

COPY OF LETTER FROM CONGRESSMAN CLARENCE F. LEA OF
SANTA ROSA, CALIF., TO CHAUNCEY S. GOODRICH

HOUSE OF REPRESENTATIVES U. S.

Washington, D.C.

March 25, 1926

Mr. Chauncey S. Goodrich,
Attorney at Law,
1010 Mills Building,
San Francisco, Calif.

Dear Mr. Goodrich :

I thank you for your letter of March 18.

I am still of the opinion however, the Kahn Bill has no chance of passage and the Raker Bill has a chance. I appreciate the quotations you make from different persons as to the effect of the off-set under the Raker Bill. I discount the importance of these statements however, due to my knowledge of the conditions under which they were made.

We must recognize the situation here. We are under an economy program. The adverse recommendations of the Budget Bureau are strong, if not a dominating influence, as to appropriations. The adverse report of the Department and the adverse influence of the Administration and the Budget Bureau are sufficient to make the Kahn Bill impossible of enactment during this Congress, and probably for a considerable period to come.

I regret that the situation cannot be handled in a more adequate way.

Sincerely yours,

L/D

(Signed) Clarence F. Lea.

ATTACK ON INDIANS

HOOPER'S RANCH, OAK RUN

The following note is reprinted from the Shasta Courier in the San Francisco Daily Chronicle, March 2, 1854.--

"We are informed by Mr. Gardner Brooks, that on Friday the 17th inst., a party of 19 white men started from Mr. Casey's ranch on Clover Creek, for the purpose of whipping a number of Indians, who, the day previous, had stolen some stock from Hooper's Ranch, on Oak Run. The first rancherie they attacked, contained but one Indian man, whom they killed. They next fell upon the rancheria of the tribe headed by 'Whitosa', killing 8 men, and seriously wounding 5 others.-- Shasta Courier."

[Winton]

ATTACK ON MCCLOUD RIVER INDIANS, 1854

The following note is from the
San Francisco Daily Chronicle,
March 9, 1854.--

"We are informed, says the Shasta
Courier, by Messrs. Jeffreys and Pope,
who are just from Pitt River, that the
Company of Settlers, 40 in number, that
went out some days since under Capt.
Johnson, with the design of whipping
some Indians on McCloud River, attacked
a party of 26 of them on Friday, the
24th ult., killing 22 and severely
wounding 3 others, one only having
escaped unharmed. Many of the savages
killed were wearing some of the clothing
which they robbed from the large
party of Chinamen whom they killed
several weeks ago."

[Copy in Winton envelope]

INDIAN DEPREDACTIONS COX'S BAR, TRINITY CO.

The Red Bluff Semi-weekly Independent, May 22, 1863, publishes the following;

"On Sunday last information reached Weaverville that the Indians, numbering 1,000, were in the vicinity of Cox's Bar. They burnt the ranch and other points, making sad havoc with all the houses and other property in those places. Several families are reported killed. Supervisor McCampbell, of Trinity County, who resides at Cox's Bar was obliged to flee from his house to save his life. All his property is reported destroyed. The militia of Trinity county will probably turn out and chastise them."- Red Bluff Semi-weekly Independent (Calif.), May 22, 1863.

WASHOE CHILDREN KIDNAPPED

The San Francisco Weekly Herald, August 9, 1860 publishes the following note:

"The Nevada National is informed by a gentleman who came over the Henness Pass route a few days since that the day before he passed O'Neill's Crossing of the Truckee, some white villains had stolen several Indian picaninies from a party of Washoes encamped near that place. The kidnappers it was thought took the Downieville trail. The Washoes have ever been friendly to the whites, are in no wise implicated in the recent Indian hostilities; but such outrages as the above are well calculated to induce them to seek revenge even upon innocent parties. It is to be hoped that the miscreants will be discovered, and visited with the severest penalties of the law."--San Francisco Weekly Herald, August 9, 1860.

Klet,

The Indian CAPTAIN LEWIS killed on Cortina Creek

Justus H. Rogers in his Colusa
County History states that on Oct. 15,
1863 "two white men, ^{(named Richards and Stanley,} engaged in a
fight with some Indians, on
Cortinez [Cortina] Creek. The
former killed an Indian known as
Captain Lewis, when the friends of
the latter killed his white
assailants."--J. H. Rogers, Colusa
County, Its History and Resources,
p. 96, 1891.

MODOCS

David W. Cartwright, an experienced hunter and trapper, in a book on western wild animals (published 1875) includes an account of his overland journey to California in 1852. His party was followed by Modoc Indians at Goose Lake, and shortly after their arrival an expedition against the Indians was sent to Goose Lake and 50 of the Modocs were killed. Mr. Cartwright writes of these events as follows:

We camped, by the side of a lake, marked on some maps [219]
Goose Lake, on others Grove Lake. It lies in California, except its northern extremity, which is in Oregon. That night we lost our trail. The Indians had intended that we should lose it. We knew there was something to pay, and that soon.

We were in the Modoc country; and now you who have never seen a red man's trail, you who have never seen them in their native wilds, have never seen them upon their war path, nor heard their fiendish war-whoops, nor their diabolical yells at a scalp dance, are still well prepared to believe the worst that could happen to us, while among the Modocs. You have not forgotten the cunning and the duplicity which they served upon our Peace Commissioners, not yet two years ago. You have not / forgotten for how long time they succeeded [220]
by treachery to outwit and to out fight the troops stationed upon their ground, nor have you forgotten the final victory

of our men, and the sentence pronounced upon the ring-leaders of the Modoc tribe.

It is said that 20 years ago they were powerful, and were engaged in warring against the white man. I do not wish to corroborate the statement--I should hardly feel justified in doing so--knowing as I do by my personal knowledge of them, 3 years previous to that time, that they were only glad to fight white men who passed through their country. We did wish to find our trail, and we did feel fully justified in making our best efforts for that purpose.

In the morning we sent out 4 men to find it. Two of them were to go out from the lake in a north-easterly direction, and two were to follow the lake shore upon its eastern bank. The two going out from the lake came, at the distance of a mile, to a reef of rocks which followed the lake for a long distance. In some places there were several rods between the rocks and the lake, in others only a few feet, being only just room enough for a team to squeeze its way through. The South Pass party had described the lake to us; but the Indians had fooled us by wearing the tracks which we were to take. When the men got beyond us a mile or so they found the mules' tracks, and came back, reporting that we were on the right path. They did not see any Indians while away from the camp. Taking their direction we started on, expecting to overtake the other men along the shore of the lake. We were about to enter the narrow pass between the rocks and the lake when

our other men came up. They had followed the lake until they came to a mass of rocks along which there was such a narrow passage between them and the lake, that they went to the right [221] of the rocks. There was a deep projection of the land into the lake, and in the center of it there was a reef of rocks about half a mile long. As they reached the north-east point of the rocks, following a short distance upon a trail, they supposed it to be the path leading to a stream at the head of the lake, which the South Pass party had told us we must cross. They told us that we were on the wrong trail. The rocks at our right ranged from 50 to 200 feet in height. . . Some of the men, prompted by an irresistible curiosity to see what they could, and some determined to learn if there were Indians close by, began to scale the rocks. They spied them in the crevices of the rocks, and in the grasses, and called out that the ground was full of them. We formed a breast-work of our wagons, fired off our guns and got everything in readiness for an attack from the Indians, having scarcely a doubt that they would come upon us. When we were ready we started to go where the last two men had told us we should find the road. The Colonel and myself had each a good revolver, and feeling a measure of responsibility for the safety of the men, we felt that we must take the lead, and be the first to face the danger. As soon as the Indians saw us go down by another

trail, for they were slyly watching, they started quick, [222] passing between us and the lake, to cut us off, as we supposed. But, as 'Every road leads to the end of the world', and as going to California seemed like going to the end of the world, we were bound to take that road. The men whom we had sent out to find the road had not been far down upon the trail, therefore none of us knew that the Indians had a camp in ahead of us. When we reached the ground, their camp fires were still burning; but their ugly, howling dogs were the only living testifiers of their camp quarters. They had failed to break our lines, as they had doubtless supposed they would do when we entered the narrow pass, and seeing us start towards their camp, thought we were going to deal out vengeance upon their squaws, and papooses, and ran to notify them of the coming danger, and to clear the camp. They had secreted themselves in the rocks which filled in the greater portion of the point of land, and were hidden in the reeds and rushes growing in the lake. The most of them were secreted in the rocks, and yet, as we ascended these, we did not see them. We saw that the rocks ran out into the water at the point, and that the trail led no further than the camp. The camp flat was about 2 rods wide. The rocks were from 75 to 100 feet high. As we returned to follow up the other trail, which we now knew must be the right one, they came out from their hiding places like a swarm of bees. We knew that they could sting, too, and we were not professional bee tamers. Two of the men were with me at the rear, driving

up the loose cattle, when the teams started to go back. Several Indians came toward us with their hands uplifted and palms open, as if to say they wouldn't hurt us, they were weaponless. One of the men wanted me to wait and see what they would do. I did not know whether it was Captain Jack and his 4 or 5 braves who stood there before us. I didn't know his name in those days; but I suspected their duplicity, and preferred to go on. As I was no Peace Commissioner, and would not furnish the Captain any chance to shoot me in the back while making any treaty or parleying with them at their call, it was doubtless well for me that I did go on. As I looked off to my left I saw 40 or 50 running in the grass, bent over to secrete themselves, and evidently intending to cut us off from our party. I said to Mr. Cole, 'See there! those Indians are trying to cut us off.' He raised his gun as if to shoot them and they ran into a clump of trees close by. As they emerged from them they presented a formidable array of bows and arrows ready for effective work. I called to the company to wait for us. They did, and we saved ourselves a second time from the clutches of the Indians. When they found they could not catch us as they had hoped to, they jumped into their canoes, and put straight across to the head of the lake. Its eastern shore, along which we passed, was convex, and they therefore gained rapidly upon us. When we reached the point of the lake where they were, they allowed us to pass. It was a surprise which we accepted with gratitude.

[223]

It was near night when we passed them. The rocks near the head of the lake ran off to the east, giving us a pass of about 50 rods. We followed the trail described to us, and at eleven o'clock we reached the stream, running into the lake, at a point where there was a natural ford. The Indians followed us up, keeping a half mile in the rear. Again we were surprised; for they did not molest us during the night. It was a moon-light night, a circumstance in our favor. In the morning we found that they had camped about three-quarters of a mile from us. We crossed the stream and saw them no more.

The fifth day after our experience with the Modocs one of [224] our lame cattle strayed from camp. . . In the morning 9 men overtook us. They had found the lost ox. On leaving the Humboldt we had put up a sign-board. Upon it we described our party and the road we purposed to take. These 9 men, having read our notice, had followed our track. They came with packed mules, and traveling so much faster than we could, the Indians were not apprised of their coming, and knew nothing of it until the company emerged from the pass at the northern end of the lake. The Indians at once surrounded them. The men broke through, but left their mules and all their provisions. . .

After the arrival of the party at Yreka, Mr. Cartwright [225] continues: "A man who had belonged to a party of 10 came into Yreka. He alone, of his company, had escaped the murderous raids of those villanous Modocs. They were surrounded by

them before they knew that there were Indians in the vicinity. Nine were at once killed. He broke through and followed our trail until he reached the ford. . .reaching Yreka without other trouble than that of hunger.

On hearing this, a party of about 80 was formed to go [226] back to Goose Lake, and give the Modocs what they deserved, a thrashing with a gun-barrel for a flail. Capt. Nutter went as guide. A Yreka man went as Commander-in-chief. An Oregon Indian who was generally known as 'Oregon' and who had before been out with such parties, also accompanied them. Unfortunately for my peace of mind, I was unable to go with this party, as I was at the time sick.

They returned, reporting that they had killed 50. They said that when they reached the lake and came upon the leaders, the 'Capt. Jack' of that day, came out from the point of rocks which secreted their camp, ran around as if to warn his fellows, meantime shooting his arrows into their midst. One of the men killed him. When they saw that their Chief was dead they were badly frightened and went pell-mell to find places of safety. Many of them hid in the rocks. Capt. Nutter found two squaws trying to hide themselves in some crevices which were a little too small for them. They could not turn about in them, so they had crawled in feet first, and he

said, 'I could see them looking out at me, and it seemed savage in me to shoot them; but I suppose it was right.' He shot them. The squaws in the camp started with their papooses to cross the lake. Oregon caught a canoe and put after them, killing and drowning as many as he could. When Capt. Nutter asked him why he did that, he coolly replied, 'Nits make lice.' They took the prisoners. They told him to show them where the rest of the Indians were, for he professed to know where they were going to camp. Oregon could talk with the Modocs, so he said to the prisoner, 'If you will show us where the others are, you shall be released, but if you fool us you shall be killed.' He did fool them. He took them to a / perfectly barren place, [227] one destitute of Indians, or anything better. He said, 'I am mistaken, they are over yonder,' in such a place. The men told him he should have but one more chance of that kind. Again he deceived them, and Oregon, stepping boldly up to him, struck him through the heart with a knife, saying as he did it, 'You shall never lie to me again.'

As the Yreka company first neared the Indians they found a party of 60 or 65 that had been surrounded by them. None of them had been killed, for they were so thoroughly barricaded by their teams. They were hemmed in by rocks, and cut off from the water. They were in a pitiable condition. . . . This company was released and sent on. Our company also found 14 dead bodies, which were mangled and terribly butchered, lying near the lake. . . .

David W. Cartwright, Natural History of Western Wild Animals, pp. 219-227, 1875.

CU wellw
FOR PRESERVATION OF PEACE WITH CALIFORNIA INDIANS

L. Lea, Commissioner of Indian Affairs, writing under date of Sept. 4, 1852, to Edward F. Beale, Supt. of Indian Affairs for California, stated that among the items approved by Congress on Aug. 30, 1852 for the Indian Service in California were an appropriation of \$100,000 "For the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent arrangements can be made for their future settlement".

The same letter contains the following statement:

"Of the appropriation of \$100,000 made for the preservation of peace among the Indian tribes of California, the treaties having been rejected by the Senate, it has been determined to apply \$25,000 to the purchase of suitable presents for those Indians who have been dispossessed of their lands, and for transportation of the same. This purchase will be made by or under the direction of Pearson B. Reading, esq., of whose experience, and knowledge of what is most suitable for the Indians in California, the department desires to avail itself; and it will be made in time for the goods to be shipped to your address, by the steamer of the 20th instant."

Senate Doc. 4, pp.29-30, 1853

Welfare

Adam Johnston in a letter to Hon. Orlando Brown,
Commissioner of Indian Affairs, dated San Francisco,
March 1, 1850, says:

"In view of the gross frauds going on, touching both the rights of the Indians and the interest of the government, I have caused a notice to be published in the 'Daily Journal of Commerce,' of this city (a copy of which I have forwarded to you,) touching these numerous unwarantable seisures and disposition of the lands aforesaid. I regret that I am not able, at this time, to give you a more detailed account of these transactions, but shall do so by the going out of the next mail which leaves this port for the States.

"I observe two slight mistakes in the publication of the notice: one in my official address; the other touching the bounds of my agency--Captain Sutter having been appointed for the valley of the Sacramento. I have had a conference with him, and it is our intention to start out on our respective routes as soon as the weather becomes settled and the waters of the streams subside, that we can traverse the country with safety. I was glad to learn his appointment, as he is known to almost all the Indians of this country, and is, perhaps, better calculated for success with them than most men."

MOUNTAIN INDIANS SLAUGHTERED AT JELLEY'S RANCH

The Red Bluff (Calif.) Semi-weekly Independent,
Feb. 24, 1863, publishes the following:

"We are indebted to our friend, Sam Frank, for the following particulars regarding an indian fight at Jelly's ranch, on the night of the 15th inst. It seems that one of Mr. Jelley's work Indians came to his house, and informed him that 10 mountain Indians were at their house, armed with 6 guns, pistols, knives, and bows and arrows, and he wanted assistance to take the wild Indians and kill them, as he thought they were after plunder. Mr. Jelley and all the white men about the house, started down to the old house in which the ranch Indians live, about half a mile distant. After they arrived, the Indians managed to keep their wild brethren in conversation while their guns, which they had laid on a bunk, were stealthily handed out of a small window, to the whites; but on their discovering their loss, they made a rush for the door, the ranch Indians trying to hold them. The night being very dark, the whites could not see how to shoot, for fear of hurting some of their own friends. Mr. Jelley and his men were a little disappointed at this state of affairs, but succeeded in dispatching 2 that they were sure of, and wounding 3 others, who afterwards managed to escape. After they had discharged all their guns, they did not take time to reload, but used them freely on their heads, breaking 6 of them (the guns) in the pounding operation. The ranch Indians fought like old heroes. 5 of the guns taken from the Indians are Government pieces, and one rifle and a small pistol, all of which can be seen at Jelley's ranch."--Red Bluff (Calif.) Semi-weekly Independent, Feb. 24, 1863.

Ravalli, Montana, December 7, 1908.

Dr. C. Hart Merriam,
Washington, D.C.

My dear Dr. Merriam:-

I am in receipt of your favor of November 28th, enclosing a copy of your article on the subject of "Indians Killed by Game Warden". I was very much pleased to receive same and have read your account of the tragedy with much interest. The facts as given by you agree perfectly with the story as it has been told to me by those directly interested.

Thanking you for your courtesy, I beg to remain,

Very sincerely,

J. X. Salmon

Special Indian Agent.

THE KILLING OF FOUR FLATHEAD INDIANS BY A DEPUTY GAME WARDEN.

On October 22, 1908, the newspapers contained a sensational and exceedingly inaccurate account of the killing of four Indians in western Montana by Deputy Warden Charles B. Peyton and his companion, a ranch hand named Herman Rudolph. It was stated that Peyton was killed in a fight with Indians while attempting to arrest them for violating the game laws of the State.

During a recent visit to the Flathead Indian Reservation in the interests of the Montana National Bison Range, I took particular pains to secure the actual details of this most lamentable affair.

The shooting occurred in Swan River Valley, directly east of the Reservation, where a party of eight Indians had gone on their annual hunt. The party consisted of two hunters, Kahmel and Tsooe, with their wives and Tsooe's two children--a girl of five, and a boy between twelve and thirteen whose name was Palasoway. They took with them, as is the custom of Indian camping parties, an old camp man--a man whose business was to remain in camp with the women. This man's name was Yellow Mountain. He was 72 years of age and nearly blind. His wife accompanied him. Before setting out, the old man obtained a permit from the Indian Agent to leave the Reservation.

The three others--Kahmel, Tsooe, and Tsooe's boy--each purchased a hunting license, entitling the holder to kill one sheep, one goat, one elk, and three deer.

One day about the middle of October (said to have been October 16) when the men were off hunting, Peyton, a Deputy Game Warden,

accompanied by the ranch hand Rudolph, visited the camp and asked to see the hunters' papers. He was told that the men had their papers with them but would show them to him if he would return when they were in camp. The next day he and his companion came back a little before noon. They entered both lodges and turned everything over, examining the contents, doubtless for the purpose of ascertaining just how much game had been killed. The hunters were again absent but had left their licenses, which were shown the Warden by the women. The men went away but returned again about sundown the same evening. This time the hunters were in camp. It was the first time they had seen the Game Warden. He asked to see Yellow Mountain's paper, whereupon the old man dug into his pocket and produced his permit to leave the Reservation. Peyton looked at this paper and threw it back in the old man's face telling him it was not a license and was no good, and that he had a right to kill anyone, Indian or white man, who was found on the hunting ground without a license. The old man did not understand English and made no reply. The Wardeh then told Kahmel that he had better go home, but that Tsooe and the boy could hunt more if they wanted to.

During the evening the Indians talked the matter over and made up their minds that as the Warden had already visited their camp three times he meant to make them trouble and they had better leave, so they decided to pull out at daylight in the morning. The women therefore made ready for an early start, and at break of day the men set out to hunt the horses. Some of the horses had strayed so that there was delay in finding them. They were found, however, and

brought into camp about sunrise.

The four guns were stacked against a tree. The riding horses were saddled and tied to bushes. Then the pack horses were saddled and packed. Kahmel had taken his gun from the tree and the members of the party were on the point of mounting to ride away when a shot was heard close by. The Indian women exclaimed that it must be the white man coming back. This proved to be the case, for the next moment Peyton stepped into camp, accompanied by the ranch hand, Rudolph, who had been with him on the previous visits.

Addressing the Indians, Peyton said: "What are you doing?"

Kahmel, standing by his horse ready to mount, with the bridle rope in his left hand, and his rifle in its sheath under his right arm, replied: "We are going home. You said I had better go home, and we are all going home."

Peyton, pointing his finger at old man Yellow Mountain, said: "No! No! That man is not going." He thereupon raised his rifle, and Kahmel's wife, seeing that he was about to shoot, called to her husband to look out, that the man was going to shoot. Kahmel, whose face was turned away from the Game Warden at the time, immediately stepped around to the other side of his horse. The Warden instantly stepped where he could see him and without a word fired. The bullet struck Kahmel in his left arm and passed through his chest, killing him instantly. The Warden raised his gun again and shot old man Yellow Mountain, who at the time was helping his aged wife upon her horse. Like Kahmel, he fell dead at the first shot.

Tswoe's wife called out to her husband: "Lets grab his gun before he kills us all," and rushed forward. At the same time

her husband, unarmed, ran toward Peyton from the opposite side. Peyton, seeing the woman almost upon him, swung his gun around and fired hastily. She ducked and the ball passed over her head. Then, seeing Tsooe rushing at him from the opposite side, he whirled and fired. Tsooe at the same time ducked his head, but the bullet struck him in the back of the neck and plowed down the full length of his back, laying the bone bare as if he had been split open with a broadax, killing him instantly.

During the few seconds in which all this was happening no one had noticed the boy, Palasoway. He, however, on seeing the Game Warden murdering his people, had evidently rushed to the tree where the three guns were standing, seized his rifle and turning quickly fired and killed the Game Warden. At this, the man Rudolph, who was standing near by, instantly shot the boy, two balls striking him at the base of the neck, in front. Seeing him fall, his mother ran to him and raised his head on her lap. He lifted his eyes and tried to speak, but could not, and expired, with blood and froth, as his mother told me, pouring out from two holes in his throat and chest.

The man Rudolph now disappeared and was not again seen by the Indians.

Mrs. Tsooe was so overcome with grief that at first she declared she would never leave the dead bodies of her husband and son, but the broken-hearted cries of her little girl and the entreaties of the other women finally prevailed, and after covering up the bodies, the three women and child traveled a number of miles through the woods to the camp of another Indian. This Indian returned with them to the scene of the tragedy, but owing to the distance

they were overtaken by night and did not reach the place until early in the morning. I afterward talked with this man about the details of the affair; his story agreed exactly with that of the Indian women. I asked him where he found the guns. He replied that Kahmel had fallen on his, which was still in its sheath; that two guns were still standing against the tree where the Indians had placed them when saddling their horses; and that the fourth gun lay on the ground close to the boy.

.....

I was told by a number of white men in the region that Peyton was a surly, overbearing man, usually insulting in his attitude toward hunters whose camps he visited, and utterly unfit for a position of responsibility. Several stated openly that they expected to hear that he had been killed, but not by an Indian.

I was told by both Indians and whites that Kahmel and Tsooe, the two hunters who had been killed, were among the best men on the Reservation. They never gambled, never drank, never quarreled, but were kind and industrious and set an excellent example to the other Indians. One of them, Tsooe, had a small ranch in Mission Valley which he cultivated.

The Indians were quiet, peaceable, and sober and had done no wrong. They had not killed as much game as they were entitled to by their licenses. The only irregularity on their part seems to have been that the old man, Yellow Mountain, had no license to hunt. Kahmel explained to the Warden that the old man was too old and feeble to hunt, and that he was so nearly blind that he could not possibly see to hunt, and consequently had not taken a license. This seems to have angered the Warden, who obviously was looking for a pretext to make trouble.

C. Hart Merriam

On Friday morning, October 16, about 10 o'clock, the white man, who was afterwards killed, came to our camp with another white man, Holland, they think; Our men were out hunting, but while he was there, the boy, Pelasoway Stuee, came in, and, as he talked English, the man asked if we had any papers for hunting, they boy told him if he would wait a little while the men would be back and he could see the papers, as the men had them with them. The white man said all right and went away. On Saturday, before noon, he came back again with Rudolph and went into both lodges and turned everything over, our men were gone but had left their licenses with us and we showed them to him. While he was looking at them the boy and Martin came back and the boy told him what game they had killed. The white man wrote on the back of the license the number of animals the men had killed and wrote something in a book of his own.

The deer and elk hides were in sacks. There were three dogs with the two lodges, but the dogs stayed in camp while the men were hunting.

About sundown on Saturday the white man came back to our camp together with the man who was with him in the forenoon. Our men were in camp and it was the first time Stuee and Camille had seen the warden. The white man told Camille to stop hunting and Camille said all right. He told Stuee and the boy they could hunt, he told Martin, your paper is no good, I will be back in the morning; I have a right to kill any one, white man or Indian, who has no paper to kill deer. Martin never said a word to the white man as he could not understand what he said. There were no

angry words passed or trouble of any kind between the white man and our men while they were in the lodge.

After the white man left, Camille said, the whiteman has told me to stop hunting and we will go back over the mountains and we all decided to go home. We got up early to start back, but we had lost three horses by straying and it was near sun up before we found our horses and we packed right away. The sun was just up when the same two white men, who had been there Saturday, came to where our camp had been. Just before the white men came in sight there was a shot fired, which we think was fired by one of them. When the white men got to where we were, the man that got killed asked what we were going to do and Camille told him we were going home as he had told us we could kill no more deer. Stuee was standing by the white man and said good morning, at the same time smiling and patting him on the chin, the white man said nothing but shook his head and pushed Stuee's hand away. Stuee was not armed. The white man asked a second time, what are you going to do? And Camille again told him we were going home across the mountains, as he (the white man) had told us to. After the white man had pushed Stuee's hand away, Stuee turned to one of the horses and was fixing a rope on the pack. There was twenty one head of horses including four colts. Nine of the horses were packed, and the other eight head were for us to ride, three men, one boy, three women, one girl, the horses were all bunched together and the white man ^{that} was killed stood near the outside of the bunch, the other white man, ten or twelve feet away. After the white man asked a second time where we were going, he pointed to Martin and said, this man is not going. Martin at this time was helping

his wife get on her horse. Camille was tying a rope on his horse before mounting and had his gun under his right arm, the other three guns were standing against a tree ten feet or more away. the white man was on the left and opposite side of the horse from Camille. Camille again told the white man that we were going home, and the white man said, "NO, NO, NO" and shaking his head, at the same time raising his gun, Camille's wife called to him to look out the white man was going to shoot and Camille stepped toward the head of his horse, the white man did the same and turning around the head of the horse shot Camille in the left arm, the ball passing thru and entering his side. As Camille fell, he called to the women to run and we all ran off.

When we came back in a short time we found Stuee just breathing and when his wife raised his head, he died. Stuee was shot in the back, the ball entering between the shoulders and coming out above the hips, tearing a hole along the back bone like a knife cut. Martin was shot thru the left arm. Pelasoway was shot thru the heart, also three bullets had passed thru his hat. The men were all evidently shot with a rifle of large caliber and the boy boy a revolver or small caliber rifle, from the nature of the wounds.

When the women got back to where the men were dead, Martin's and Stuee's guns were still leaning against the tree as they had been before the shooting commenced.

Witnesses:

Jno. L. Sloane
A. B. Beckwith.

Mary Stuee

Clara Paul

her

X

mark

her

mark

Subscribed and sworn to before me this 25th day of October
1908.

Samuel Bellew,
U.S. Indian Agent.

Killing of 4 Flathead Indians
by Game Warden Peyton
in October 1908.

Statement given me by
Indian Agent S. Bellert
at Ravalli, Montana,
Oct. 29, 1908. - *can*

Encounter with Gamblers in lower Klamath country

Isaac J. Wistar, in his Autobiography, tells of hunting with Francois Bisell on the lower Klamath ^{in the} ^{early fifties,} and relates the following incident: "On emerging from [198 the 'one mile gulch' just above the town, we came upon several of the boiled-shirt gentry (gamblers) who had three Indians bound to trees and were discussing in what manner to put them to death. The Indians, who knew us, called on us to save them, and we recognized them as inhabitants of the village we had just come from. Some cattle had been killed near the town, and the gamblers, who knew nothing of Indians and could neither find nor catch any wild ones, had seized these poor friendlies who were in frequent and amicable communication with packers and fur men, and living in permanent quarters near-by at the white's mercy, would have as soon thought of suicide, as of hostile acts against such dangerous neighbors.

The gamblers however were determined to have the fun of murdering someone, and the only effect of our remonstrance was to draw their cheap wrath upon ourselves. They cursed us for d--d ^{and 'mountain men'} 'fur men' who were no better than Indians ourselves, and in fact were in league with them and should by right be hung also. Like the

Indians -2-

rest of their kind they flourished bright shiney six-shooters and bowie knives, but had no rifles, thinking no doubt their numbers gave them a sure thing on us; but not of that opinion was Francois. F. possessed that dangerous sort of temperament that becomes cooler in exact proportion as danger comes nearer, and at the very crisis, he was sure to be almost painfully deliberate. Without taking his eyes an instant from the enemy, he remarked to me in a drawling tone in Chinook "Will you fight?" "Yes." "Then I will be captain; watch me." It must be explained

that the first step of mountain men on getting into a

tight place is to select a captain whose actions

Suddenly drawing his rifle F. ordered "Throw down your pistols. Hands up!"
and words are to be closely regarded ~~Now the~~ ^{up!"}

gentry before us were professed desperadoes ^{and fighting men} . . . but

not expecting hostilities from the smaller party, were

fairly taken by surprise . . . , ^λThey were well huddled up [199

together, and may have had time to reflect that at their first hostile motion two or more would be dead for certain,

with a smart chance for some more. At any rate, the order

was obeyed and their pistols secured. The Indians were

cut loose and directed to back off slowly into the gulch

and then run, which they obeyed to the letter."--Autobio-

graphy of Isaac Jones Wistar, Vol. I, pp.198-199, Phila-

delphia, 1914.

Oct. 22, 1908.

MET A TRAGIC DEATH

Charles B. Peyton Killed by
Montana Indian.

IN DISCHARGE OF DUTY

Believed to Have Been District
Policeman at One Time.

13-YEAR-OLD LAD HIS SLAYER

Kills Three Indians Before Being
Mortally Shot—Squaws Put Him
Out of His Misery.

MISSOULA, Mont., October 22.—Game Warden W. F. Scott and Deputy Warden Henry A. Vase arrived here last night with the body of Deputy Game Warden Charles B. Peyton, believed to be a former Washington (D. C.) policeman, who was killed in a fight with Indians Sunday in the Swan river country, while attempting to arrest them for transgressing the game laws of the state.

According to the story of Peyton's death told by Herman Rudolph, the ranch hand who accompanied Peyton within forty feet of the Indian camp, the deputy was shot by a thirteen-year-old Indian lad, who had been behind the horses of redskins and not been noticed by Peyton.

When Peyton told the Indians they were under arrest one of them grabbed the officer by the neck. Peyton shook him off and advised them to be peaceful. Another Indian then uttered a war whoop, pulled his rifle and was about to shoot when Peyton dropped him in his tracks with a bullet.

Two other Indians attempted to get their guns unsheathed, but Peyton killed them before they could get into action. Rudolph then observed the little Indian lad kneeling between the horses, aiming at Peyton, and he fired at the redskin at the same time that the latter fired at the officer. Peyton was mortally shot and the Indian boy toppled over dead.

The squaws later put Peyton out of his misery, according to Rudolph, ending his sufferings by a half dozen shots from small caliber guns.

All the mountain passes are being watched for the fleeing squaws, who have with them the bodies of their braves.

It was believed by the police officials that the murdered man was Claudius B. Peyton, who was connected with the local force several years ago. He was appointed to a position on the police force January 1, 1900, and retired four years later because of disabilities incurred in the line of duty. Peyton was a telegraph operator before he was appointed to the position on the police force. He did private detective work after he was pensioned and served as chief of the detective force at the Jamestown exposition. Last year he served as a police official at the Seattle exposition.

His pay checks have been mailed to him at Seattle. Nothing is known at police headquarters about his having gone to Montana, although Maj. Sylvester realizes that he was likely to obtain a position with police authority such as was held by the man who was killed. Maj. Sylvester has communicated with the Montana authorities, but has not obtained any definite information concerning the identity of the murdered man. It is his intention to make additional efforts to establish his identity.

Chico Enterprise
Jan. 18, 1927.

Editor, The Enterprise.

In an editorial in a morning paper of Saturday, January 15, it is stated that the American Indians are the richest race of people in the world.

I wish to intercede in behalf of the Indians, as I am an Indian myself and have given the matter a careful study. I know that the statement is a mistake. I have statements from several different reservations in the United States during the year of 1925, showing that the Indians were on the point of starvation and begging the national government for aid. And in many cases prompt aid was refused.

The same situation is with the California Indians. There are a very few Indians who you could call rich.

Those who are, have acquired their own way, without the aid of U. S. Gov't. I have been to every Indian settlement in California and I fail to find the rich Indian, instead I could see poverty everywhere, the same in Oregon and Nevada.

There is a large appropriation made each year for the Indians but I have yet my first needy Indian to see who has received an aid from that appropriation. The appropriation is made for the reservation Indian. The non-reservation Indians are in the majority and most of them are homeless.

They do not receive aid from the government. If this is what is called being rich I do not want to experience being poor.

NICHOLAS EFFMAN,

521 Wall street, Chico, Calif.

I am a Klamath Indian and have made the California Indian a study and know their situation

CHICO, CAL.—ENTERPRISE
FEBRUARY 24, 1927

BILL BEFORE PRESIDENT WOULD GIVE MILLIONS TO RED MEN IN THIS STATE

California Indians have won their fight for compensation for lands ceded to the government in 1851, according to word received by W. J. Conway of Chico, president of the North American Indian Association.

Conway has received word from

F. G. Collett of the Indian Board of Co-Operation, Inc., at San Francisco that the Raker bill has passed both houses of Congress, and that, despite rumors to the contrary, it will be signed by President Coolidge this winter. Collett is now at Washington.

Conway will read the message to local Indians at a meeting to be held in the Indian village Sunday afternoon at 1 o'clock. The public is invited.

Under the terms of the bill, \$250,000,000 will be distributed to California Indians in quarterly payments over a period of years. There are 11,000 California Indians enrolled at Washington, to whom the money will be distributed, Conway said this morning. This would

give each Indian close to \$23,000.

There are only about 20 Indians left in the Chico district, Conway said this morning. He told of how on August 1, 1851, under an oak tree on the vacant lot on Woodland avenue between Orient and Pine streets, a treaty of peace and friendship had been signed between C. M. Wozencraft, U. S. Indian agent, and the chiefs of the Mi-Chop-Da, Es-Kuin and other tribes. By this treaty the Indians ceded lands to the government for which they have never received compensation. The oak tree no longer stand, Conway said.

Should the bill be signed by President Coolidge it will end a 75-year period of suspense for the California redmen.

Winton
MOUNTAIN INDIANS SLAUGHTERED AT JELLEY'S RANCH

The Red Bluff (Calif.) Semi-weekly Independent,
Feb. 24, 1863, publishes the following:

"We are indebted to our friend, Sam Frank, for the following particulars regarding an ^{Oak} indian fight at Jelly's ranch, on the night of the 15th inst. It seems that one of Mr. Jelley's work Indians came to his house, and informed him that 10 mountain Indians were at their house, armed with 6 guns, pistols, knives, and bows and arrows, and he wanted assistance to take the wild Indians and kill them, as he thought they were after plunder. Mr. Jelley and all the white men about the house, started down to the old house in which the ranch Indians live, about half a mile distant. After they arrived, the Indians managed to keep their wild brethren in conversation while their guns, which they had laid on a bunk, were stealthily handed out of a small window, to the whites; but on their discovering their loss, they made a rush for the door, the ranch Indians trying to hold them. The night being very dark, the whites could not see how to shoot, for fear of hurting some of their own friends. Mr. Jelley and his men were a little disappointed at this state of affairs, but succeeded in dispatching 2 that they were sure of, and wounding 3 others, who afterwards managed to escape. After they had discharged all their guns, they did not take time to reload, but used them freely on their heads, breaking 6 of them (the guns) in the pounding operation. The ranch Indians fought like old heroes. 5 of the guns taken from the Indians are Government pieces, and one rifle and a small pistol, all of which can be seen at Jelley's ranch."--Red Bluff (Calif.) Semi-weekly Independent, Feb. 24, 1863.

Winton

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General Ethan Allen Hitchcock, when in command of the Department of the Pacific in 1853, made certain entries in his journal that cast a sidelight on the character of U. S. Senator Gwinn, the man whose personal influence in the Senate defeated the ratification of the 18 treaties made by agents of our Government in 1851 and 1852 with numerous tribes of California Indians, and who succeeded in keeping the action of the Senate in the matter secret for a period which extended to 70 years.

In his journal for October 2 or October 3, 1853, General Hitchcock states: "I had seen him and U. S. Senator Gwinn together, and had reason to suspect Gwinn's fidelity to the Government." (p.401.) And on the same page he says: "I then went to the U. S. District Attorney and found that he, too, as I believed, had been corrupted, probably by Senator Gwinn." -- Fifty Years in Camp and Field, by Gen. Ethan Allen Hitchcock, New York, 1909.

CAMPAIGN AGAINST INDIAN RANCHERIA OF APALAMES *near*

~~ON SITE OF~~ PRESENT TOWN OF MARTINEZ

Jose Maria Amador, who was born at San Francisco in 1794 and whose father was a sergeant of the first company at San Francisco, gives the following account of a very early campaign against the Indian rancheria of Apalames near the site of the present town of Martinez.

"Although my father took part in numerous campaigns (5) against the Indians before he retired I can relate only one that took place on the site of El Hambre in the rancheria of Apalames. Here a soldier lost an eye from one of the Indian's arrows, and one of my brothers (Fructuoso) accompanied by another soldier (Hilario Meranda) got lost. The two were lost six days and for this reason the place where the troops had to camp was named 'El Hambre [The Hunger]'. The Indians were severely punished. Several were killed (6) by our people and 50 more or less made prisoners. They were taken to San Francisco and put to work at public toil. The rancherias of this region were not well populated. This site of El Hambre is a canyon situated on this side of Martinez."

Jose Maria Amador, *Memorias sobre Historica California*
[Recollections of California History] MS Bancroft Library,
pp. 5-6, 1877

Translation by S.R. Clemence, 1917.

INDIAN WAR, NORTHERN CALIF., 1858.

The following note is from the Marysville Weekly Express, November 27, 1858.

"For several days previous to the 14th inst. Capt. Messec, with about $\frac{1}{2}$ his command had been in pursuit of a band of Indians who were flying from the old Humboldt Bay trail over the intervening mountains toward the New or Eel river trail. On the 14th they came up with and surprised the Indians, when a brief running engagement took place, at the head of Yager Creek, near the Eel River trail; some 5 or 6 Indian warriors were killed, and 6 or 8 squaws and children taken prisoners....Two rancherias discovered on the line of march were demolished. The manner in which this campaign is conducted cannot but result in lasting benefit to those trails; destroying the places of abode and supplies of the warriors and depriving them of their squaws and children will soon bring them to terms, and will wring from them consent to go, and remain upon some Reservation, when all their necessities will be supplied, without the commission of depredations upon the trails.-- Trinity Journal."

BEAVER TRAPPER KILLS FRIENDLY INDIANS ON
STONY CREEK (Colusa or Glenn Co.)

General John Bidwell on returning to Sutter's Fort after his trip to the Stony Creek country in July 1844, mentioned to people at the Fort that he thought the Stony Creek country would be a good place to trap for beaver. He states:

"A man by the name of Jack Myers raised a company [52] of 20 or more men and went to trap. The first thing they did, however, was to become alarmed at the great bodies of Indians, and, regarding them as hostile, they, without proper cause, made war upon the natives, killing a great many of them. I asked them why they shot down the Indians who had been so friendly with me. They said they made a great noise, wore white feathers in their head-dress, or caps, and these they considered evidences of hostile preparations. Jack Myers said, 'When you see an Indian wearing a white feather, shoot him!' I told him that they ran and screamed and wore white feathers when I was there, but none of them showed any signs of evil intent. I was sorry they felt obliged to kill them. The party caught some beaver, but not many, because of the Indians." --Gen. John Bidwell in J. H. Rogers, Colusa County, Its History and Resources, p. 52, 1891.

CAMPAIGN AGAINST INDIANS AT 'CALAVERAS', NEAR STOCKTON, CALIF.

José Maria Amador, who took part in many of the early campaigns against the Indians and who was a soldier in the San Francisco Company from 1810 -1827, in recollections given to the Bancroft Library, tells of a campaign against Indians in 1818 at the place called Calaveras, a little beyond the present city of Stockton.

In 1818 I set out with Lieut. José Antonio Sanchez (15) on a campaign to the place of the Calaveras [Skulls], a little beyond where the city of Stockton is to-day. The expedition was composed of 25 soldiers and the lieutenant and some Christian Indians as auxiliaries. Here we had a battle with the natives. We had one Indian auxiliary killed and five wounded men, José Higuera, Pablo Pacheco, Agustin Bernal, José Maria Gomez and I. We killed as (16) many as 50 Indians and took 50 more prisoners, and withdrew with our prisoners to San Francisco. The engagement began in an arroyo and ended in an oak forest. Those that did not fall into our hands, escaped in the woods. They must have had many wounded among them. We went after them in the woods, shooting and charging on them with our lances and made a great slaughter. The reason that we went to attack them was because they had killed some Christians at the mission of San José. The prisoners were put to work [on the adobes of the San Francisco Presidio].

José Maria Amador, Memorias sobre Historica Calif. [Recollections of Calif. Hist.] pp. 15-16, MS, Bancroft Library.
1877

THE RED SLAVES OF THE UNITED STATES

BY JOHN COLLIER

THE great continuing scandal of American public life is the scandal of Indian affairs. The intensified enslavement and persecution of a third of a million Red Americans is the meanest, as it is one of the hugest scandals, of the year 1924.

And though Albert B. Fall, who contributed his bit to that historical scandal, is gone, the scandal has neither ceased nor grown less.

One hundred and twenty-three thousand square miles—the area of Japan—is involved in this Indian scandal. Oil, coal, water power, timber and other natural resources worth billions are involved. A hundred helpless Indian tribes are caught in the net of this great wrong. White populations of 10,000,000 are menaced by the diseases which rage among helpless Indians penned on reservations.

The climax of a record at once monstrous and mean is now being achieved. There is one liberty which even the black slaves before the civil war were never deprived of—liberty of religion. In

the name of Americanism and Christianity the Indian bureau is now taking away from the red slaves this last liberty.

I am not making fantastic statements. This article and ones to follow will reach many readers. If I made one inaccurate statement among a hundred accurate ones, the Indian bureau would proclaim my error from coast to coast. The statements are true and the facts are tremendously important.

Abraham Lincoln in 1863 said about the system of Indian affairs: "If I live, this accursed system shall be reformed." He did not live. The system lives. It has gained an independence of congressional and popular control which it never had in Lincoln's time. In Lincoln's time the system merely nibbled at the Indian's property and his personal liberties. Now it reaches as a giant octopus through all the 123,000 square miles of the Indian country, and its tentacles have grasped not only the Indian's body but his conscience and soul.

The Indian is not a citizen. He is a member of an alien commu-



nity, once a sovereign nation, now a dependent community. The

supreme court has ruled that the Indian is dependent on congress or its agents—on the political will of congress. Therefore, he cannot assert constitutional rights.

Congress has turned the Indian over to the Bureau of Indian Affairs. This bureau, in the Department of the Interior, with nearly 6000 paid employes, is engaged in "civilizing" a third of a million Indians.

The Indian bureau is trustee over the Indian property—whose area is twice that of New York state, and whose values are unknown billions.

It is guardian over the Indian's person. Also it is the Indian's teacher, doctor, irrigation engineer, farm organizer, court of justice, policeman and religious regulator.

Indian bureau regulations have the effect of congressional statutes. The Indian bureau is its own lawmaker, to the extent of about 2000 laws.

The Indian bureau is a trustee and guardian who is responsible to no court in the land. All other wards—except Indians—can go

into court when their guardian brutalizes them or dissipates their estate. They can get a court review of the guardian's or trustee appointed.

But not so the Indians. No other trustee on earth controls so huge an estate as the Indian bureau. No other trustee is supreme above the courts—immune from court review. The Indians are in effect the property of their guardian. Horses and dogs also are property, but if they are brutalized by their owner he can be dragged into court. Not so the Indian bureau. A starving Indian cannot force his guardian into court. An Indian parent ruthlessly separated from his child for years at a time, merely for the crime of being an Indian, cannot hale his guardian into court. An Indian imprisoned for his religious worship has no redress in the courts.

The Indian bureau is sanctimonious. It is the boldest of all Christian missionaries and weeps over the needs of its wards, particularly at election times and when congress is considering the

(Concluded on Next Page, Column 2)

spoiled or appropriated to the use of the trader; and large profits to be made by those dealing with trustees who were animated by motives of gain. And still, due to the increasing value of the remaining estate, there is left an inducement to fraud, corruption, and institutional incompetence almost beyond the possibility of comprehension. All the machinery of government has been set to work to repress rather than to provide adequate means for justly dealing with a large population which has had no political rights."

(Read the second Indian article in Monday's Daily News.)

Original Defective

\$13,000,000 Indian office budget.
I close this article with a quotation from the National Bureau of Municipal Research. This bureau investigated the Indian office for Pres. Taft and for a joint committee of congress. Its 1000-word report was suppressed. Not even one copy was allowed to be placed in the library of congress for the people's representatives to read. Such is the power of the Indian bureau and of the vested financial interests which operate through the bureau. This is the summary of the findings of the National Municipal Research Bureau:

"Behind the sham protection which operated largely as a blind to publicity have been at all times great wealth in the form of Indian funds to be subverted; valuable lands, mines, oil fields, and other natural resources to be despoiled or appropriated to the use of the trader; and large profits to be made by those dealing with trustees who were animated by motives of gain. And still due to the increasing value of the remaining estate, there is left an inducement to fraud, corruption, and institutional incompetence almost beyond the possibility of comprehension. All the machinery of government has been set to work to repress rather than to provide adequate means for justly dealing with a large population which has had no political rights."

(Read the second Indian article in Monday's Daily News.)

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INDIAN CHIEF MAKES STRONG APPEAL AT CHAUTAUQUA

264

Nipo Strongheart, chief of the Yakima Indians, gave an address at the Chautauqua tent yesterday afternoon of unusual interest and of exceptional educational value to a large and responsive audience. The chief appeared in his full tribal regalia and during the course of his lecture, he explained the significance of each particular feather, claw and color. He spoke in part as follows:

"Every white child inherits the name of his father. Indian children, on the other hand, earn their own names and the name is formally conferred by the chief of the tribe after each youth has had sufficient opportunity to acquire character. Having failed to attain honorable distinction at first, marked moral improvement in course of time may lead the chief to rename a youth. The red tips on the eagle feathers of the head dress are symbols of virtue. They are the open index of the moral qualities of the person who wears them. No young man is qualified for marriage unless he has earned at least five red feather tips. Two of these tips are proof of chastity and three of them were earned by some act of bravery or sacrifice for others. Eagle feathers are conferred by the chief only.

"Contact with civilization is threatening the very existence of the Indian. Between 1910 and 1920 the Indian population decreased 16 per cent. Many of them are dying of tuberculosis, which is caused by the innutritious and unwholesome food many of them are compelled to eat. This decline in population is due also to the intermarriage of Indians in violation of the law of consanguinity. And this offense is due to the fact that under existing regulations each tribe is kept by the government within its own narrow bounds, thus making it much more difficult for our young people to find their affinities.

"As an instance of the rottenness of the Federal management of Indian affairs, I may cite the case of an agent in Nevada who robbed

the Piute and Washoe Indians of \$52,000! this case of corruption was so flagrant that this criminal was sent to the penitentiary at Leavenworth, Kansas; but he had sufficient political pull to secure his release in a short time; and he is living in luxury now in Reno, Nevada.

"We think we are entitled to a square deal, which we are not getting under present conditions. As proof of the fact that we are not without the feeling of true patriotism, I would call your attention to the following facts: 18,000 Indians volunteered their services in the late war, 5000 of whom sacrificed their lives either in the encampment here or on the bloody fields of France. Indians bought \$29,000,000 worth of bonds, which they were not allowed to own individually under the present regime; 1600 Indian girls served as Red Cross nurses. Last year \$25000 were voted for the support of the Kiowa tribe. It is comparatively easy to get large appropriations for the poor Indians. So corrupt was the administration of Indian affairs in this particular case that the Indians got but \$8.57 of this amount!

"I am sure that you good people of Petaluma do not support your government in this sort of corrupt mismanagement. I am sure that, if the good people of this country knew the facts, they would rise up in righteous indignation and demand a square deal for us. As I have said, the Indian population is steadily declining, but, at the same time, the number of employees of this department of the government is steadily increasing. We have no vote, being merely the wards of the government. But you are in a position to help us. Will you not circulate a petition to Congress asking that a law be enacted which will grant us full American citizenship, with all its responsibilities and privileges? We want as good schools for our children as you have for yours."

At the close of the address a great many of the audience waited to greet the speaker, to thank him for his illuminating address, and to assure him that they would do all in their power to help his people. The chief in his beautifully colored regalia served as a magnet to all the boys in the audience, a great many of whom came forward in order to survey him at a closer range.

JANUARY 26, 1923

Errors Concerning Digger Indians by Mr. Duncan Says Smithsonian Institute Man

The following letter from Dr. C. Hart Merriam of Washington, D. C., who was formerly, for several years, chief of the Biological Survey and is now Research Associate of the Smithsonian Institute, concerning the "Digger" Indians by W. T. Duncan, published in the Gazette, will be read with interest by our readers. Dr. Merriam claims that Mr. Duncan's article is in error and reads as follows:

By C. HART MERRIAM

The Lindsay Gazette of December 1, 1922, has an article by W. T. Duncan which contains a number of very serious errors.

Mr. Duncan states that the Indians about the Missions are called 'Diggers,' and goes on to say that "the Digger tribe mostly inhabit the foothill valleys from Kern County to the south of Amador County on the north." As a matter of fact there is no tribe of that name. The name 'Digger' has been applied specifically or promiscuously to various tribes in Wyoming, Idaho, Nevada, and California, and in the latter state has been used to designate nearly every tribe from Humboldt Bay to San Diego. It should be dropped for the double reason that it not only is inaccurate but also implies a feeling of contempt that is unjust to the Indians.

But the most amazing error is the statement that the vocabulary of these Indians is "limited to but a few words, and mostly spoken in guttural sounds, not much above the language of monkeys." Nothing could be further from the fact, the truth being that there are a number of widely

different tribes of so-called Mission Indians—and the same may be said of numerous tribes in other parts of California—each of which speaks a different language, and that each language comprises several thousand words—words adequate not only for statements of fact but also for the expression of innumerable ideas and emotions. Many of them, moreover, far from being "guttural" and "not much above the language of monkeys," are euphonious and agreeable to the ear and are easily spoken and written in our English alphabet.

Another error is that the Indians in question "live in wigwams covered with the skins of wild animals." This, so far as I am aware, is not true of any California tribe though several of the Plains tribes formerly covered their tepees with hides of buffalo and elk. In California the dwellings of the mountain tribes were usually covered with bark, those of most of the valley tribes with mats of tule or thatch, while some of the Sacramento Valley tribes erected domed structures roofed with brush and earth, and the lower Klamaths built rectangular houses of hewn planks.

It would be interesting to know where Mr. Duncan got the notion that the word 'Mono' means "bitter water," and that the word 'Pi-Ute' means "valley man." These, however, are trivial matters, but the statement that the language of any Indian tribe is "limited to but few words," and the remarks that follow, implying a low degree of intelligence, are so contrary to the actual facts that simple justice demands their correction.

Treatment of California Indians

Statements by C. Hart Merriam

CONDITION OF INDIANS IN CALIFORNIA.

By C. Hart Merriam.

During the field season of 1903

Nearly all of my work was done in parts of California and Nevada in which there are no Indian reservations, ~~most of it in the foothill region along the west flank of the Sierra.~~ My observations ^{on Indians therefore} relate in the main, ~~therefore~~ to small bands and isolated families ~~of Indians~~ who are self-supporting and receive no aid from the Government.

In all, I visited ^{houses and ranches} 58 camps of Indians, comprising remnants of 30 tribes. Most of these are in the semi-arid lower slopes of the Sierra--a mountainous region sparingly forested with oaks and Digger pines and carpeted with wild oats and yellow grass; *and most of them*

~~Most of the camps~~ are on the sites of aboriginal villages which during the past half century have dwindled from prosperous settlements of 100 or more inhabitants to two or three small houses containing as many families. In the case of tribes with whom I am personally acquainted, the decrease during the past 5 years is appalling. They are melting rapidly away, and each year the remnants of one or more tribes disappear.

A large proportion of the Indians of California work for the whites, either continuously or periodically, as during haying, harvesting, hop-picking, and fruit-picking. Those who work periodically usually take their families with them and camp close by the place where they are at work, several families camping together for mutual protection. The reason Indians cannot leave their families and go away to work, as white men do, is that during their absence their

women are almost sure to be molested by the whites. They have learned that our laws afford them neither protection nor redress; and they realize that to take the law into their own hands means speedy annihilation.

It is a lamentable fact that the average white man with whom the frontier Indian is in ~~personal~~ contact is far below the Indian in morality, honesty, integrity, and all the qualities that go to make a man. Everywhere I went the story was the same--a story of the confiscation of homes, the outraging of women, and the selling of whiskey in open violation of law. These are the three great standing grievances the Indians have against the whites.

It is difficult to realize the feeling of gloom and hopelessness which pervades their ^{homes}~~camp~~s. They know they are a doomed race; they feel that it is useless to build permanent improvements, because it is only a matter of time before their lands will be seized; many of them feel that it is not worth while to send their children to school because they are dying so rapidly that the advantage of schooling hardly offsets the loss of companionship during the school period. They realize that their present condition is pitiful, their future hopeless, ~~and that the white man is the common enemy who has brought these ills upon them.~~

WHISKEY.

Some Indians will not drink whiskey under any circumstances, but this is the exception. Most of them drink when they can get it, and the means of getting it are nearly always at hand. The law forbids the sale of liquor to full-bloods, but it is everywhere violated. As a rule Indians are good workers, quiet, peaceable and well-be-

haved. Nearly all the crimes committed by them are committed while they are under liquor. White men living in the neighborhood know who the people are who sell liquor to Indians, but are afraid to complain, as their lives and property would be in danger. I personally know a number of places--in some cases saloons, in others country stores--where liquor is sold to Indians. To obtain legal evidence would not be difficult if the Indian Bureau were able to employ some one whose special business ~~is~~ should be to secure evidence and prosecute cases.

CONFISCATION OF INDIAN LANDS.

Nearly all of the beautiful, fertile valleys which the Indians ~~have~~ held in undisputed possession for thousands of years have been taken from them. The scattered fragments of valley tribes have been driven up into the mountains, where they have either joined the remnants of mountain tribes, or have been forced to seek shelter on steep rocky or chaparral slopes, ~~usually~~ ^{often} remote from water, and in the great majority of cases utterly unfit for cultivation. In the few cases where the land is fit, and water is available, they usually grow enough grain, beans, and fruit for their own use. But even now the more favorable of these remote spots are coveted, and hardly a month passes without the news spreading from camp to camp that another home has been seized. By what process of law or justice these helpless people are dispossessed of their homes is beyond their comprehension, and it is little wonder that they look upon us as pirates and robbers.

When asked why they do not build better and more substantial houses they ~~generally~~ reply that they never know today where they may

be driven tomorrow; that if they put up a good house it is almost sure to be taken by some white man, particularly if there is a spring or stream on the premises. ~~In California and Nevada the confiscation of Indian lands and houses is still going on.~~ Sixteen years ago (October 26, 1887) the Department of the Interior issued a circular on this subject, entitled 'Circular relative to lands in possession of Indians' (Land Decisions, Vol. VI, pp. 341-342). A copy of this circular is herewith enclosed. It is an excellent ruling and seems to cover the case, but it was issued so long ago that it has been forgotten or overlooked; in fact, most of the present registers of land offices ^{have} never heard of it. I earnestly recommend that this circular be reissued at once and distributed to all the land offices in the west coast States.

DESTRUCTION OF CROPS BY WHITES.

Another very real grievance is the dastardly conduct of some of the frontier whites, who, when the Indians are away picking fruit, break down their fences and let in cattle, sheep or hogs, which quickly devour the beans, grain and other crops the ~~poor~~ Indians have laboriously planted and grown. One would expect that so infamous a practice would be rare. Unfortunately it is common. The lower class of settlers and the lawless, grasping stockmen covet the small acres still held by Indians, and rarely neglect an opportunity to annoy and harass--particularly ~~when~~ they can fatten their stock at the same time. I have known them to break open and turn stock into enclosures where harvested grain had been stored. If the outraged owner ^{appeals to the} ~~finding their winter supplies gone, set out to inform the~~

nearest officer of the law, ~~they are usually~~^{he is} told the sad truth that ~~he has no~~^{he has no} ~~cannot get~~ satisfactory evidence and have no redress.

The widespread prevalence of this habit of robbing their Indians gardens and grain fields goes a long way toward explaining the lack of interest in agricultural pursuits so often charged against them.

INDIANS IN FOREST RESERVES.

It so happens that the great majority of Indians inhabiting the Sierra region in California live in the belt of oak-clad foothills bordering the forest reserves on the west, and recently withdrawn from entry. In several localities recently visited by me, white men were, at the time ~~the~~^{after} ~~lands were~~ withdrawn, attempting to secure lands occupied by Indians. These men are still endeavoring to shape matters so that they may obtain title as soon as the withdrawn lands are thrown open. I earnestly recommend that in fixing the ~~permanent boundaries~~^{limits} of the forest reserves, ~~particularly in the case of lands withdrawn from entry,~~ the ~~final~~^{line} boundaries be so adjusted as to include as many Indian homes as possible. This seems to be the simplest way to protect them from encroachment, ~~and preserve to them their homes.~~

RECOMMENDATIONS.

In conclusion I beg to make the following recommendations:

1. That the Land Office circular of October 26, 1887, relative to ~~lands~~ in possession of Indians, be re-issued at once and distributed to all land offices in the Pacific coast States.
2. That in fixing the boundaries of forest reserves, ~~whenever~~

~~possible~~ lands occupied by Indians be retained, ^{whenever possible,} within the reservations.

3. That the Indian Bureau add to its force one or more competent men whose duty shall be to prosecute persons who sell liquor to Indians. ~~It~~

I should be glad to furnish information as to particular places in California and Nevada where liquor is now sold to Indians.

Copy of memorandum sent President Roosevelt Dec. 9, 1903. *Cham*

Dec. 9, 1903.

ABSTRACT OF REMARKS BY DR. C. HART MERRIAM ON THE EDUCATION OF
AMERICAN INDIANS, BEFORE THE AMERICAN SOCIAL SCIENCE ASSOCIATION,
AT WASHINGTON, D. C. APRIL 25, 1902.

The education of our American Indians is greatly retarded by two obstacles which are ordinarily overlooked. The first is that the persons charged with this task are, with few exceptions, ignorant of the mental condition, qualities, and needs of the Indians. Most of them have seen Indians from the car window, and in some cases have visited them on the reservations, but lamentably few can say of any tribe that they know the character of the people, understand their mental processes, appreciate their point of view, and are able to form a just conception of their educational requirements.

The second obstacle is that our Indians are commonly looked upon as a unit, whereas they are of many nations and differ more widely among themselves than the most diverse elements of our population. Some are nomadic and warlike and until recently have lived by hunting and fishing; others ~~are~~ ^{have} tillers of the soil, and from time immemorial have been quiet, peaceable and industrious. They differ not only in speech, physiognomy, occupation and mental characteristics, but also in degree of barbarism or civilization. Some tribes are naturally far ahead of others in mental development and material advancement. ~~Others~~ ^{Some}, from favorable geographic position and long contact with the whites have advanced so far in civilization that they are successful farmers and men of business, live in good houses, speak English fluently, and their children already possess the equivalent of our country common school educa-

tion, and many of them are in a condition to profit by higher schools. It is a gratifying evidence of the capacity and present status of these Indians that recently one tribe has petitioned for the abolition of the Indian schools on the ground that it is better for their children to go to the regular schools of the neighborhood, where they mix with the white children on an equal footing.

But this case is highly exceptional. There are dozens of tribes in which only a few individuals speak English and in which the children have had little or no education. While the Indians first mentioned live in comfortable houses of their own construction, these live in tepees or brush wickiups on the deserts and mountains. What they need is instruction of the most elementary kind in the branches ordinarily taught in schools, and very thorough industrial training along lines they are competent to follow, and which if properly carried on will furnish them a livelihood. In the case of nonreservation schools, Indian children are transported to localities remote from their homes, are surrounded with the luxuries of civilization, and are instructed in booklore and in arts and industries entirely foreign to anything it is possible for them to engage in in their own homes. The Indian Department and the missionaries have in the main combined to teach our Indian children to despise the things they can do well and to try to copy from the white man things they cannot do well, and which if they could, would be of little or no use to them in the lives they are destined to lead. In some of the nonresident schools, Indian children are taught to be printers, watchmakers and electrical engineers, and to undertake other occupations of the white man in which they can have little hope of future employment. It is little

wonder that Indians educated along such lines on returning to their people become estranged from their parents, are made the subjects of ridicule, and in many, many cases have gone to the bad. We in our mistaken kindness have fitted them for a life it is impossible for them to lead, and have made the homes and lives of their parents disreputable in their eyes. In dealing with Indians we should treat each tribe according to its present state of civilization or barbarism. Industrial schools on the reservations should be encouraged and supported as affording incomparably the most practical and useful education we can give. Indians make excellent carpenters, blacksmiths, and cobblers, and in the few cases where their lands are so situated as to be available for agriculture, they make excellent farmers. If we teach the children of the less civilized Indians how to use their hands so as to earn an honest living, and how to speak our language, supplemented by a little arithmetic, a little geography, and a good deal of hygiene and regard for cleanliness generally, we will, in my humble judgment, have done for them the best that is within our power. As they become more and more civilized they will naturally seek a more liberal education and there seems to be no reason why they should not in such cases be granted the education accorded our own children, as has been already done in the case of some of the more civilized tribes.

We should also do everything in our power to encourage native industries, such as bead work, leather work, birch-bark work and basketry. These articles now find a ready market at good prices, and had their manufacture not been discouraged by those who have had the Indians in charge, they would now in many tribes form an important means of support. I am a thorough believer in the local or reservation school, particularly the industrial school, but have

little faith in the distant nonreservation school.

A word with respect to the Indian teacher and the atmosphere which shapes his or her attitude toward the scholars: from personal contact with many teachers of Indian schools in many parts of the west I have been shocked to find a peculiar and wholly unreasonable dread of the Indian languages. Not only are Indian children at the schools punished if they are heard to speak a word in their own tongue but the teachers strive to deafen themselves to the language so that they may not know the meaning of a single word. When asked for an explanation of this irrational condition of affairs I have been told in a dreadful whisper that the Indian Department would not allow the teachers to know or even recognize the language of the Indians they ^{were} sent ~~them~~ to teach. The language appears to be regarded as a heathenish, unholy thing, not to be uttered or even heard. One would naturally suppose that in order to teach a foreign language successfully the teacher should know at least a few common words of the language of the pupil. It must be hard to convey to an Indian child the meaning of a word if we cannot give the equivalent of that word in his own language. As a matter of observation we know that hundreds of Indian children who have gone to school for years know little or nothing of our language, notwithstanding the fact that many of them have committed to memory phrases, lines, and verses which they rattle off like poll-parrots, without the faintest conception of the meaning of the words.

If in selecting teachers for ^{Indian} ~~our own~~ children the qualities of kindness, sympathy, patience, and honesty ~~are~~ ^{were} given equal weight with scholarship, ~~how much more important are these virtues in the case of persons entrusted with the moral and intellectual development of a dependent race.~~ It is a sad commentary on our boasted Christianity that the standards of honor and integrity average far higher among the Indians themselves than among the whites with whom they come in contact, ~~on the reservations.~~

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Why not begin at home?

The United States in its treaty obligations with world powers is scrupulously faithful to maintain a position of honor. But how about our treaty obligations with the native tribes from whom our great country was ^{taken} wrested?

Thousands of our citizens still living will remember the days when our Govt was eager to put an end to bloody Indian wars by Treaties. ^{These treaties} gave us peaceful possession of hundreds of thousands of acres of valuable lands ^{and in return} ~~promised~~ ^{promised} to give trustful Indians ~~perpetual possession~~ ^(certain rights + ~~certain rights~~) of a remnant, called a Reservation, of their former territory. These contracts, backed by the Nations honor, stipulated the continuance of the terms of the treaty "so long as grass grows and water flows". It was a sacred ~~pledge~~ ^{pledge}.

Solemnly executed, + was agreed to ^(whether) ~~(as a result of)~~ ^(as a result of) ~~ceding, signing or force~~ by a multitude of tribes from New England to Oregon + from Arizona to the Canadian boundary.

But with the ever increasing settlement of the West
the ^{steadily} increasing white population soon came to count
even the small remaining holdings of the Indians &
began a persistent clamoring for the throwing
open of the reservations - a clamor that is still
ringing in our ears, the little ^{of their land} now left
to the Indians.

Has the Congress of the United States respected
the pledges of the Government? Has it rebuked
those who clamored for the violation of ^{the} rights & titles
guaranteed by treaties? Has it insisted that
the Honor of the Nation demands the fulfillment of treaty
obligations? Has it done any of these things?
Or is our Nation's pledge - except to foreign powers -
an empty mockery?

FALSE IMPRESSIONS OF INDIAN INTELLIGENCE, CAPACITY, AND LANGUAGE

One of the larger causes of misunderstandings between Indians and whites is the wide difference in point of view--the inevitable result of different heredity, different early ~~contacts and~~ associations, different training, and consequent difference in conceptions and beliefs. Add to this the inborn reticence of Indians and the knowledge that whites as a rule look upon them as an inferior people, and it is not difficult to realize that what is in an Indian's heart is rarely exposed to our unsympathetic gaze.

As a matter of fact the average Indian is a very intelligent person and a good deal of a philosopher. But his sphere of knowledge is a different sphere from that of the whiteman--each possessing a precious fund of information and beliefs unknown to the other. This might be represented by two circles set in the same plane but in contact only at the point where they touch--the great areas of the circle being wide apart. This is the reason that whitemen have so little conception of the intelligence and knowledge possessed by Indians, and explains the too common remark that ^{Indian} ~~the~~ languages ^{are} ~~of any particular tribe~~ is crude and insufficient for the expression of ideas.

The Eureka Standard of May 25 has an article by Carl Marshall entitled 'Indians responding slowly to Education by the present system' which contains a number of truths and some very serious errors. The author tells his readers that "the Indian language was a crude affair of a few hundred symbols of what he heard or saw or felt in his unexpansive existence. It expresses only by association, lacking even the logic of the sentence".

This brief statement, obviously intended to be accurate and fair, contains two monstrous untruths: First, the untruth that

the language comprises only a few hundred symbols--whereas it contains several thousand words; and second, that it lacks "even the logic of the sentence", whereas it is made up of sentences.

That so well intentioned a writer could make such serious mistakes shows how little whitemen know of the language and thoughts of Indians. This imperfect knowledge lies at the root of innumerable misunderstandings, past and present.

Mr. Marshall in speaking of Indians says he has "yet to hear of one of them having a savings account". I admit that too large a proportion of our Indians are thriftless, but nevertheless, even in California, a number of them have substantial bank accounts.

Again, Mr. Marshall thinks, "the idea that one [an Indian] should be kind or generous or self sacrificing to any other than his blood relations, seems funny to them." ^{statement} This is hard to understand in view of the personal experiences of many whitemen still living, and also in view of the fact that the history of our contact with Indians abounds in records of kindness, helpfulness, and in many cases of self sacrifice shown white persons from whom no reward was expected.

Perhaps the most astounding statements in Mr. Marshall's article relate to the Indian's mental development and capacity. He says: "except in that limited area of their minds that was developed by their primitive environment, their mentality is that of morons", and adds, they evince "almost no faculty of invention or imagination". Such statements are additional illustrations of how little even educated and well meaning whitemen know of the mental operations of Indians. Let anyone ~~who~~ who entertains this fallacy listen to the Creation story and other myths of any

of our Indians, not excepting the Klamath River tribes, and let him witness some of the ceremonial observances commonly called 'dances'--and then ask if he still thinks Indians deficient in invention and imagination!

Can anyone examine the beautifully wrought canoes of the Klamath River Indians, dug out of the trunks of huge trees by means of elk-horn chisels, and perfectly adapted for navigation in a river abounding in bars, rapids, and whirlpools; or can anyone look at their delicately woven baskets ~~the~~ graceful and pleasing forms^{of} ornamented by intricate and beautiful designs; or at their aboriginal aprons, fashioned so elegantly of plant fibers and decorated with a multitude of carefully braided pendants, ~~of~~ ~~strands of grass and other plants~~ in contrasting colors and still further beautified by the addition at regular intervals of shells, pine nuts, and other ^{articles} ~~objects~~--can anyone behold such objects as these without realizing not only the perfect adaptation of the materials at hand to the needs of the household, but also a well developed appreciation of art and ^a love of the beautiful. Is this in harmony with "the mentality of morons"?

And is it not true that while our works of art are hung on ~~the~~ the walls or set in conspicuous places to be seen and admired, theirs appear in the implements and utensils of everyday life. The only artistic feature in common seems to be the dress of the women, which, since very early days and among both so-called civilized and uncivilized peoples has always received a large share of attention.

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That our treatment of Indians is a stain on civilization everyone knows. Why not put an end to the absolute power of the Indian Agent, which in too many cases has developed into intolerable domineering tyranny? Why not give our Indians liberty and citizenship? Why not restore to them from the millions of acres we have taken from them, enough land to live on, and why not permit those who so desire to live like ourselves in communities - instead of scattering them far and wide in small and usually worthless allotments?

Let us recognize the fact that different tribes - as the Pueblo Indians of the S. W. contrasted with the nomadic tribes of the plains or the fish eating tribes of the northwest - differ from one another in modes of life, occupations, religions, and needs, as do the peoples of other parts of the world, and let the recognition of this fact curb our tendency to treat all alike and promulgate uniform rules for their governance.

Why not try even at this late date to make some amends? Let us cease speaking of any Indian as belonging to "the Digger" tribe--for there is no tribe of that name; and let us cease calling their women squaws--an obnoxious term. Let us encourage their children to come to our schools; let us afford them much needed medical attention; let us, in view of their changed type of habitations, teach them hygiene and sanitation; let us drop our air of superiority and treat them as fellow human beings; and let us try to learn from them before it is too late the thousand-and-one things they can teach us that are well worth our while to know. It may be

overstating the truth to say that we have as much to learn from them as they from us, but nevertheless, and entirely apart from their superior knowledge of the practical necessities of life, such as the food, textile, and medicinal values of animals and plants, many of them can put us to shame in matters of patience, fairness, honor, and kindness, while some amaze us by their artistic and poetic conceptions.

Sent
Geo. W. Stewart
Jan
Visalia
1923
Published in Lindsay Gazette

FALLACIES CONCERNING CALIFORNIA INDIANS

By C. Hart Merriam.

The Lindsay Gazette of December 1, 1922, has an article by W. T. Duncan which contains a number of very serious errors.

Mr. Duncan states that the Indians about the Missions are called 'Diggers', and goes on to say that "the Digger tribe mostly inhabit the foothill valleys from Kern County on the south to Amador County on the north". As a matter of fact there is no tribe of that name. The name 'Digger' has been applied specifically or promiscuously to various tribes in Wyoming, Idaho, Nevada, and California, and in the latter state has been used to designate nearly every tribe from Humboldt Bay to San Diego. It should be dropped for the double reason that it not only is inaccurate but also implies a feeling of contempt that is unjust to the Indians.

But the most amazing error is the statement that the vocabulary of these Indians is "limited to but few words, and mostly spoken in guttural sounds, not much above the language of monkeys". Nothing could be further from the fact, the truth being that there are a number of widely different tribes of so-called Mission Indians - and the same may be said of numerous tribes in other parts of California - each of which speaks a different language, and that each language comprises several thousand words - words adequate not only for statements

of fact but also for the expression of innumerable ideas and emotions. Many of them, moreover, far from being "guttural" and "not much above the language of monkeys", are euphonious and agreeable to the ear and are easily spoken and written in our English alphabet.

Another error is that the Indians in question "live in wigwams covered with the skins of wild animals". This, so far as I am aware, is not true of any California tribe though several of the Plains tribes formerly covered their tepees with hides of buffalo and elk. In California the dwellings of the mountain tribes were usually covered with bark, those of most of the valley tribes with mats of tule or thatch, while some of the Sacramento Valley tribes erected domed structures roofed with brush and earth, and the lower Klamaths built rectangular houses of hewn planks.

It would be interesting to know where Mr. Duncan got the notion that the word 'Mono' means "bitter water", and that the word 'Pi-Ute' means "valley man". These, however, are trivial matters, but the statement that the language of any Indian tribe is "limited to but few words", and the remarks that follow, implying a low degree of intelligence, are so contrary to the actual facts that simple justice demands their correction.

Visalia, Calif. Times, Jan. 31, 1923

MISSTATEMENTS ABOUT INDIANS ARE CORRECTED

Research Associate Takes
Exception To Article
By W. T. Duncan

The following letter from Dr. C. Hart Merriam, of Washington, D. C., who was formerly, for several years, chief of the biological survey and is now research associate of the Smithsonian Institute, concerning the "Digger" Indians by W. T. Duncan, published in the Gazette, will be read with interest by local leaders. Dr. Merriam claims that Mr. Duncan's article is in error and reads as follows:

(By C. HART MERRIAM)

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But the most amazing error is the statement that the vocabulary of these Indians is "limited to but a few words, and mostly spoken in guttural sounds, not much above the language of monkeys." Nothing could be further from the fact, the truth being that there are a number of widely different tribes of so-called Mission Indians—and the same may be said of numerous tribes in other parts of California—each of which speaks a different language, and that each language comprises several thousand words—words adequate not only for statements of fact but also for the expression of innumerable ideas and emotions. Many of them, moreover, far from being "guttural" and "not much above the language of monkeys," are euphonious and agreeable to the ear and are easily spoken and written in our English alphabet.

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[CHM]

SUGGESTIONS FOR LEGISLATION FOR RELIEF OF
CALIFORNIA INDIANS

Two articles of Federal legislation are needed for the relief of California Indians: One, an interpretation of a clause in the Enabling act of the California Land Claims Law of 1851, passed after the ratification of the Treaty of Guadalupe Hidalgo of 1848; the other, a definite provision for the compensation of surviving California Indians for lands taken away from them by the whites without payment or recompense of any kind.

During recent years several cases intended as measures of justice to California Indians have been decided adversely by the courts on the ground that the Land Claims Law of 1851 specifies:

"that each and every person claiming lands in California by virtue of any right or title derived from the Mexican or Spanish governments shall present the same to the said commissioners within two years after the date of this act"

in default of which said lands shall be

"considered as part of the public domain of the United States".

And since the Indians knew nothing of this law-- which, in fact, was not intended to apply to them at all-- they of course failed to appear before the commissioners. Nevertheless in recent years it has come to pass that suits brought to recover lands taken from Indians have been thrown out of court because claims for said lands had not been filed with the Land Commissioners three-quarters of a century ago!

To persons familiar with the history of California, particularly with reference to the Land Grant System prevailing under Spanish and Mexican rule, it is obvious that the Land Claims Law was intended to apply solely to Mexicans and other whites then holding land in California--not to the native Indians.

Section 16 of the Land Claims Law provides:

"That it shall be the duty of the commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged

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This is further shown by the phraseology of the law already
quoted, ^{which states,} ~~namely,~~ "that each and every person claiming lands in
California by virtue of any right or title derived from
the Mexican or Spanish governments." For is it not an incon-
trovertible fact that the lands belonging to California Indians
not only were not held "by virtue of any right or title derived
from the Mexican or Spanish governments", but by right of prior
occupancy and possession?

"in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians."

The provisions of this Section have never been complied with--no report having been made to the Secretary of the Interior as to the tenure of land "held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians."

The last clause is of greater importance for the reason that it applies to practically all the Indian lands of California. For Indian lands were held collectively--as tribal or rancheria (village) possessions--not as personal or individual holdings. And furthermore, from the nature of the case, it was impossible for the courts to carry out their instructions as to the lands "occupied and cultivated by Pueblos or Rancheros Indians", for the very good reason that there were in California at the time of the sessions of the Commission hundreds of occupied rancherias or villages, utterly

unknown and unheard of by either the Spanish, Mexicans or the Americans.

In view of these facts it is clear that the Land Claims Law of 1851 cannot in justice be appealed to as authority for ignoring the land rights of California Indians--rights made sacred by centuries of possession and occupancy. But because it has been so cited by the courts, and because by reason of a misunderstanding of its provisions cases have been decided against the Indians--and also in order to forestall similar injustices in future--Congress should be asked to enact a clause specifically exempting California Indians from its provisions.

In the matter of legislation intended to compensate Indians for lands confiscated by the whites, attention should be called to a bill passed by the last Congress (but not signed by the President) and which is likely to be reintroduced during the coming session. This bill provides for compensation for certain lands set apart as Reservations by the California Indian Commissioners under treaties executed with 18 California tribes in 1851 and 1852, although said treaties were not confirmed by the Senate and therefore are without legal status.

Why should a measure intended for the relief of Indians concern itself with unratified and legally non-existent treaties?

At the time of the invasion of California by the Spanish Padres, the country was owned and occupied by Indians, and the boundaries between the tribes were as definite and fixed as those between our states and counties.

During the period of Spanish and Mexican control (up to 1846) many thousands of acres of Indian lands were seized and the Indians themselves killed or carried away to work at the missions.

The area occupied by the invaders consisted almost wholly of what came to be known as 'The Mission Strip' -- a coastal belt extending from the Mexican border northward to Sonoma, a few miles north of San Francisco Bay. A little farther north, on the coast, the Russians had established a settlement known as Fort Ross. So at the time the United States took possession of California, the Indian lands within the Mission Strip and at Fort Ross were in the main already in possession of foreigners.

It follows therefore that the accountability of the United States in the matter of Indian lands began with the period of American dominion, and that so far as the Mission Strip is concerned our Government may be exonerated from responsibility except in the fulfillment of the terms of the Treaty of Guadalupe Hidalgo.

The responsibility of the Federal Government is thus reduced to the lands not included in the Mission Strip. These may be described roughly as the whole of northern California north of a line drawn across the state a little north of the latitude

of Sonoma; the Great Interior Valley (Sacramento--Joaquin); the Sierra Nevada with its foothills, and the deserts and Desert Ranges of the eastern and southeastern parts of the state.

In view of these facts, would it not be an act of justice to compensate the surviving Indians for the lands held by their tribes at the date of the American possession, and would it not be fair to both Indians and the Government if the rate of compensation were fixed at the low value of the lands at that time?

Assuming that Congress is willing to compensate the surviving California Indians for the lands taken without compensation ^{at} and subsequent to the American occupation, a serious question arises as to the method by which this should be brought about. Through what agency should the funds be made available for the use of the Indians?

(1) Should the funds be placed in the Indian Office--the usual way--to be handled as a trust fund for the benefit of the Indians?

(2) Should the funds be placed in the hands of a special Federal Commission appointed for the purpose?

(3) Should the funds be paid to the State of California to be disbursed under State auspices?

(4) Should the Federal Government and the State of California assume jointly the burden of compensation, the funds to be expended under State jurisdiction--as in the case of the Good Roads appropriations and some others?

Details of distribution--such as whether the compensation should be wholly in cash, or in certain cases partly in agricultural land, and so on--would properly fall to the agency in whose hands the matter is placed.

Treatment of Indians by white people

1901-26

Wide World Mag. Aug. 1901.



From a Copyright Photo. by H. R. Locke.

BY ALFRED BURKHOLDER.

This episode, the twenty-fifth anniversary of which was celebrated on the 25th of June last, has no parallel in the history of Indian warfare. Speaking of General Custer, Mr. Burkholder writes: "While living he was the idol of millions of Americans, and his tragic death only served to intensify the reverence with which he was looked upon by all who admire courage in a man. Few narratives are more impressive than that of the annihilation of General Custer and his 300 men by the savage Sioux."



JUNE 25th of the present year was the twenty-fifth anniversary of the memorable Custer massacre, which on land is the counterpart of the disaster suffered by the Americans on the sea when the battleship *Maine* was blown up in the harbour of Havana. A curious coincidence is the fact that the loss of life in each of the disasters was practically the same.

This year, in accordance with the practice during the past few years, the anniversary of the massacre was observed by the various posts of the Grand Army of the Republic in Montana and Northern Wyoming; and appropriate services were held on the Custer battlefield, which is situated on the Little Big Horn River, in Southern Montana. Owing to this being the quarter-century anniversary of the massacre the



GENERAL CUSTER, WHO, WITH 300 MEN, WAS MASSACRED BY THE SIOUX INDIANS.

From a Photo. by D. F. Barry.

services this year attracted even more than the usual attention.

This historic spot is the chief attraction for sight-seers who visit that portion of the Great West. The battlefield, made sacred to all Americans who revere the memory of the gallant and fearless Custer and his brave men, will ever be looked upon with feelings of awe as the visitors recall that 25th day of June, 1876, when the brave soldier and his faithful troopers went forth to battle with an overwhelming force of bloodthirsty Sioux Indians, only to be the victims of a massacre which has no equal in the annals of Indian warfare.

The story of this disastrous conflict between the heroes who wore the blue and the tawny and naked savage who grants no quarter to his pale-face foe will always be read with interest. Numerous theories have

haps his breed accounted for the dry, bald patches all over him as well—too high bred to bother about holding his feathers in. The man said "No." That curious fowl got those bald patches scratching himself; he was one of the cleanest fowls on earth, was this fowl, and if he couldn't get the dirt off with his claws without rending out feathers, why, the feathers had to come out too. That was all.

Up to this the fowl had not stirred from the place where he had been put down—had not moved a muscle, in fact. Now, however, as the man finished his remark he half-opened an eye, fixed me with it, gave his head a slow and painful jerk backward, and coughed. I saw his difficulty at a glance. He wanted to talk; that's what was the matter with him. You could almost see the words sticking in his throat. He wanted to say, "Don't you believe him, young man; it's age, simple, downright, chronic, undiluted age that makes me the scaly monstrosity that I am. I'm old, my boy, old; and I couldn't claw myself if I wanted to."

I bent down, and taking up one of the fowl's feet called the would-be vendor's attention to the length of his spurs. The old bird cocked his head on one side and had a look at them too. What had the owner to say about them? The fowl had been born with them. This was apparently too much for the poor old bird. He pulled himself up, closed his eyes, and smiled

internally. I let go of his leg. He put it down on the ground and relapsed into coma.

"Young man," I said, impressively, to the fowl's owner, "take your fowl away—it would be disrespectful to eat him; besides, it would not be possible—take him away."

He took him away.

That evening at supper I fished out of the stew-pot the leg of a rooster that didn't seem to have much meat on it. I busied myself with it for some time and then took a look round our little circle of faces.

"Which of us bought this fowl?" I asked.

"I did," said Bonner.

"Oh, you did, did you? When did you buy it?"

"This afternoon: met the man on the road just outside!"

"Oh! you met the man on the road just outside? Did he happen to say it was a young fowl?"

"Yes, I believe he did."

"Was it a fowl that kept his eyes shut and had bald patches all over him?"

"Yes; why?"

I told the story, and as I did so the remains of that fowl were dropped back with reverent promptitude into the soup and we wiped our mouths.

"But," said Salem, the cook, "you know"—and here he stopped to giggle insanely—"you've had his chest in the soup!"



"YOU'VE HAD HIS CHEST IN THE SOUP!"

been advanced as to the causes which led to the surprise and annihilation of General Custer and nearly three hundred men of his command.

General Custer, who will always be considered the popular American cavalry leader, graduated at West Point just in time to take part in the Battle of Bull Run at the commencement of the Civil War. He served with his regiment—the 5th Cavalry—for a time, but was eventually appointed aide-de-camp to General McClellan. At the age of only twenty-three he was promoted from captain to brigadier-general.

After the close of the War of the Rebellion he was assigned duty in Texas as a major-general of Volunteers, remaining there about one year. In 1866 he returned to his old home at Monroe, Mich., and in the autumn of that year was sent to Kansas, where he remained for five years. He was then ordered to Kentucky, where his regiment was distributed through various portions of the South on the disagreeable duty of breaking-up illicit distilleries and suppressing the "Ku-Klux." After being stationed at Elizabethtown, Kentucky, for about two years the General and his regiment were, in the spring of 1873, ordered to Dakota.

The order to proceed to Dakota was hailed with joy by Custer and every man in the regiment, as it meant active duty once more instead of the seemingly unsoldierly life which they had led during their stay in Kentucky and other parts of the South. Little did the General and his men dream that he himself, many of his brave officers, and several hundred of his dashing troopers were to meet their death in the then little-known region west of the Missouri River—and that in a manner that would shock the entire civilized world.

In the spring of 1873 railroads had not yet reached Yankton, but had been completed to a

point about one mile from that town. There the regiment and its equipments were unloaded, and the men went into camp on an open plain near the end of the railroad. Although the month was April the cavalymen were destined to be welcomed to Dakota by one of the worst blizzards in its history, and the superstitious regarded as an ill-omen the harshness of the greeting which the elements gave them.

While the tents were being erected the air suddenly grew chilly, the bright sun of the morning disappeared, and rain began to fall. As the afternoon advanced the wind blew colder, and by night a howling blizzard was sweeping over the hastily-erected camp. Knowing the scarcity of fuel and the danger to the horses from exposure to the rigour of such weather after their removal from a warm climate, General Custer late in the evening ordered the soldiers to take their horses and make their way to Yankton, and ask the citizens to give them shelter in their homes, cow-sheds, and stables. The townspeople, true to the unvarying Western hospitality, did everything possible for the comfort of the "boys in blue."



"THE TOWNSPEOPLE DID EVERYTHING POSSIBLE FOR THE COMFORT OF THE 'BOYS IN BLUE.'"

Several soldiers who became lost while striving to make their way to the shelter of the town were badly frozen, and afterwards had to have their feet and some of their fingers amputated. The storm continued all that night, the following day, and the next night, and caused



FORT ABRAHAM LINCOLN, NORTH DAKOTA, WHERE GENERAL CUSTER AND HIS REGIMENT WERE STATIONED BEFORE STARTING ON THEIR ILL-FATED EXPEDITION. [D. F. Barry. From a Photo. by]

great suffering among those who were not provided with good shelter.

When the snow had disappeared and the country had dried off sufficiently to permit of travel the regiment made the long overland journey up the Missouri River to Fort Abraham Lincoln, opposite Bismarck, where head-quarters were established. During the remainder of that year the regiment was engaged in what has since



CHIEF RAIN-IN-THE-FACE, WHO TOOK A PROMINENT PART IN THE MASSACRE. From a Photo. by D. F. Barry.

been known as the Yellowstone Expedition. In 1874 General Custer penetrated the Black Hills, and a geologist with his command confirmed the report of the presence of gold in that region.

In the spring of 1876 matters were in a very



CHIEF GALL, WHO WAS IN SUPREME COMMAND OF THE INDIAN FORCES. From a Copyright Photo. by D. F. Barry.

unsettled condition. Sitting Bull refused to make a treaty with the Government and would not consent to live on a reservation. Besides his constant attacks on the white settlers, driving back even the most adventurous, his warriors were incessantly invading and stealing from the land assigned to the peaceable Crow Indians. These appealed for help to the Government, who had promised to protect them.

Accordingly an expedition was organized to hunt down and force the warlike Sioux to cease their depredations. The expedition consisted of the 7th Cavalry, twenty-eight officers and about 700 men. There were two companies of the 17th Infantry and one company of the 6th

Infantry—eight officers and 135 men; one platoon of Gatling guns, two officers and thirty-two men (of the 20th Infantry), and forty "Ree" Indian scouts. Brigadier-General Alfred H. Terry, the department commander, was in command of the expeditionary forces.

The little army left Fort Lincoln on the morning of May 17th, 1876. Previous to the departure the 7th Cavalry marched around the parade ground with a band at the head playing "Garryowen," the battle tune of the regiment, which was first used when the regiment charged at the battle of the Washita.

The 7th Cavalry was divided into two columns (right and left wings), commanded respectively by Major Marcus A. Reno and Captain F. W. Benteen. Each wing was subdivided into two battalions of three troops each. Nothing of special interest occurred until the 27th of May, when the regiment had reached the Bad Lands of the Little Missouri River. On the 30th General Custer was sent with four troops to make a scout up the Little Missouri for about twenty miles. He returned the same day without having discovered any recent "Indian signs." On the 31st the command crossed the Little Missouri without difficulty. On the 1st and 2nd of June the troops were compelled to remain in camp owing to a snow-storm.

For three days the troops remained in camp on the Powder River. General Terry went to the Yellowstone to communicate with the supply steamer *Far West*, which was at the mouth of the Powder. He also went up the Yellowstone to communicate with General Gibbons's command, which was known as the "Montana Column," and was composed of four troops of the 2nd Cavalry and several companies of the 7th Infantry. Before General Terry left it was given out that the 7th Cavalry would be sent to scout up the Powder River, while the waggon-

train, escorted by the infantry, would be sent to establish a supply camp at the mouth of the Powder.

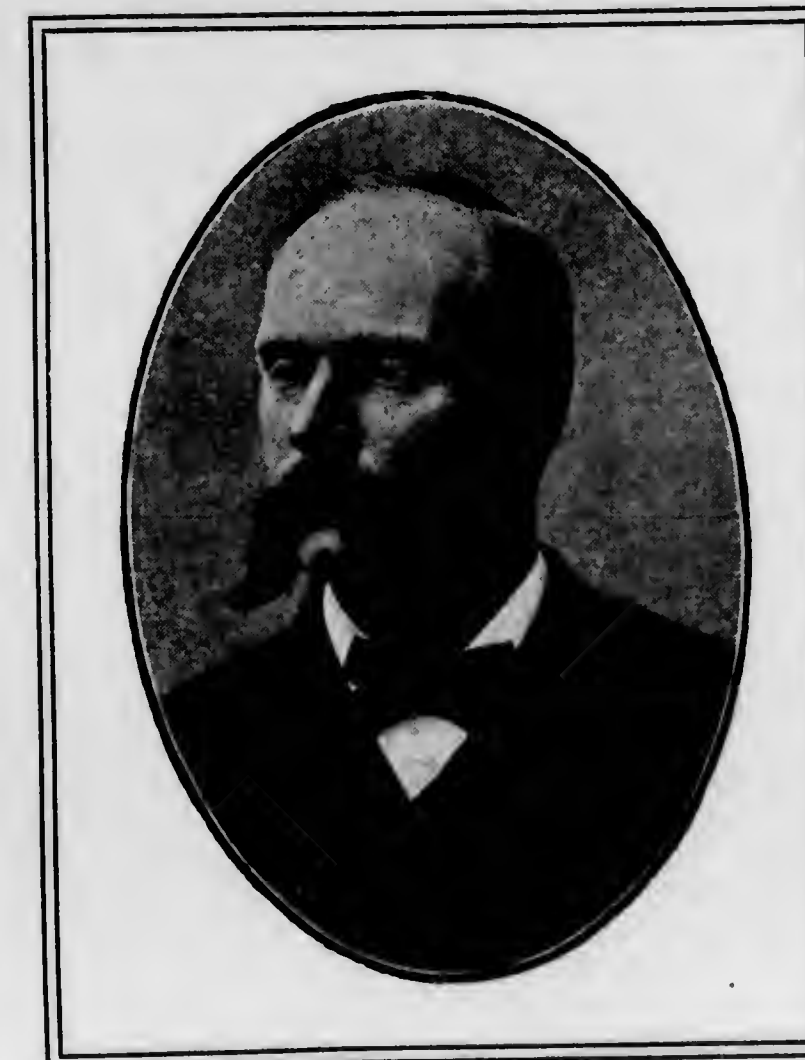
When General Terry returned orders were issued on June 10th for the right wing, six troops, under Major Reno, to make a scout up the Powder River. They were provided with twelve days' rations. The following day the rest of the command marched to the mouth of the Powder. Up to this time not a single hostile Indian had been seen. The trail of a small party of perhaps a half-dozen tepees was discovered, the supposition being that they were agency Indians on their way to join the hostiles. The indications were that the hostiles were west of the Powder, and information from General Gibbons was to the effect that they were south of the Yellowstone River.

Some of the officers expressed the belief that no Indians would be found at all, and that the expedition would be back at Fort Lincoln by the middle of August. Major Reno was ordered to scout to the forks of the Powder, then across to Mizpah creek, follow it down to near its confluence with the Powder; then cross to Pumpkin creek, follow it down to Tongue River, scout up that stream, and then rejoin the regiment at the mouth of the Tongue by the time his supplies were exhausted. A supply depôt was established at the mouth of the Powder. This was guarded by the infantry, and here the waggon-train was left.

General Terry with his staff took passage on the supply steamer *Far West* and went to the mouth of the Tongue River. General Custer, with the left wing, marched to the mouth of the Tongue, where he remained until the 19th waiting tidings from Reno as to the result of his scout. On that date word came from Reno that he had discovered the trail of a large body of Indians leading up the Rosebud River.



MAJOR RENO, WHO WAS IN COMMAND OF THE TROOPS SURROUNDED ON THE BLUFFS. From a Photo. by D. F. Barry.



DR. H. R. PORTER, THE ONLY SURVIVING MEDICAL OFFICER WITH GENERAL CUSTER'S COMMAND. From a Photo. by D. F. Barry.

Custer's command then pushed forward and rejoined Reno, who informed them that as near as could be judged there were about three hundred and fifty lodges of Indians, and their trail was about three weeks old.

General Custer and his troopers reached the mouth of the Rosebud River about noon on June 21st. As the result of a conference between Generals Terry, Gibbons, and Custer on the steamer *Far West* it was decided that the 7th Cavalry, under General Custer, should follow the trail discovered by Reno. Accordingly at noon on June 22nd the regiment left camp. As it passed out it was reviewed by Generals Terry, Gibbons, and Custer, the former having a pleasant word for each officer as he returned the salute. On the 23rd and 24th a great many Indian camping-places were passed, all appearing to be of nearly the same strength, but one much larger than any of the others was seen. The grass for a considerable distance around it had been cropped close, indicating that large herds had been grazed there. The frame of a large "sundance" lodge was yet standing, and in it was found the scalp of a white man, probably

one of General Gibbons's command, who had been killed some weeks previously. The command halted here, and General Custer had a consultation with his troop commanders. "At this time," wrote Captain E. S. Godfrey, of Troop "K," a stiff southerly breeze was blowing. As we were about to separate the General's head-quarters flag was blown down, falling

toward our rear. Being near the flag I picked it up and stuck the staff in the ground, but it fell again to the rear. I then bored the staff into the ground where it would have the support of a sage-bush. This circumstance made no impression on me at the time, but after the battle an officer asked me if I remembered the incident. He had observed it, and regarded the fact of its falling to the rear as a bad omen, and felt sure we would suffer a defeat."

The command had little rest on the night of the 24th, the General being anxious to get as near the divide near the Little Big Horn, over which the Indian trail led, as possible before daylight. Here the command would be concealed during the day, and give ample time for the country to be studied; also to locate the village and to make plans for the attack which was intended to be made on the 26th.

A little after two o'clock on the morning of the 25th the command was halted to await further tidings from the scouts. Shortly before eight o'clock General Custer rode to the several troops himself, and gave orders to be ready to march at eight o'clock, stating that the scouts had discovered

the locality of the Indian village or camp in the valley of the Little Big Horn, about twelve or fifteen miles beyond the divide. At ten o'clock in the morning the command was again halted. A ravine furnished shelter, and the men were instructed to maintain quiet and do nothing that would reveal their presence to the enemy.

It was not long, however, before several



"BEING NEAR THE FLAG, I PICKED IT UP AND STUCK IT IN THE GROUND."

Indians were observed moving along the summit of the ridge, and the command knew that its presence had been discovered. Therefore further concealment was unnecessary, and it was decided that in order to prevent the escape of the hostiles it would be necessary to attack them without delay. The column was soon on the march once more, and a little before noon crossed the dividing ridge between the Rosebud and Little Big Horn valleys. Soon after passing this point the regiment was divided into battalions. The advance battalion, under Major Reno, consisted of troops "M," "A," and "G," together with the Indian scouts and an interpreter.

The ill-fated battalion under General Custer consisted of troop "I" (Captain Keogh and Lieutenant Porter), troop "F" (Captain Yates and Lieutenant Reily), troop "C" (Captain Tom Custer and Lieutenant Harrington), troop "E" (Lieutenants Smith and Sturgis), troop "L" (Lieutenants Calhoun and Crittenden); Lieutenant Cook was the adjutant and Dr. G. E. Lord the medical officer.

The battalion under Captain Benteen was composed of troops "H," "D," and "K." The pack-train was in charge of Lieutenant Mathey, and was under escort of troop "B" (Captain McDougall). The battalions under Custer and Reno did not meet any Indians until Reno arrived at a burning tepee, in which was the body of a warrior who had been killed in the battle with General Crook's troops a week before. Near the tepee a few Indians were seen. They did not appear to be surprised at seeing the troops. Neither did they make an effort to delay the advance of the soldiers,

but kept far enough in advance as if to invite pursuit.

Reno's command and the scouts followed them closely, until Reno received orders "to move forward at as rapid a gait as he thought prudent, and charge the village afterwards; the whole outfit would support him." The order was received when Reno was not very far from the Little Big Horn River. His battalion then moved at a trot to the river, where Reno delayed about ten or fifteen minutes watering the horses and reforming the column. Reno now sent word to Custer that he had everything in front of him and that the enemy was strong.

Custer had moved off to the right, being separated from Reno by a line of high bluffs and the river. After moving forward about half a mile Reno formed his battalion in line of battle and advanced across the valley.

After proceeding a mile farther he deployed the battalion as skirmishers. A body of hostiles was in front of him, which, although being steadily reinforced, fell slowly back, firing occasionally, but apparently making no determined effort to check Reno's advance. Suddenly the hostiles developed great force, opened a brisk fire, and made a dash toward the foot-hills, on the left flank, where the Ree scouts were. The scouts immediately fled, some of them abandoning the field altogether.

Reno, not observing any troops coming to his assistance, did not obey his orders to charge the village, but dismounted his men to fight on foot. His loss up to this time was one wounded. The position in which he found himself was a strong one, well protected in front by the bank of the river and fringe of timber,



CAPTAIN "TOM" CUSTER, WHO DIED WITH HIS BROTHER.
From a Photo. by D. F. Barry.



"CHARLEY" REYNOLDS, GENERAL CUSTER'S
FAVOURITE SCOUT. HE WAS AMONG
THE KILLED.
From a Photo. by D. F. Barry.

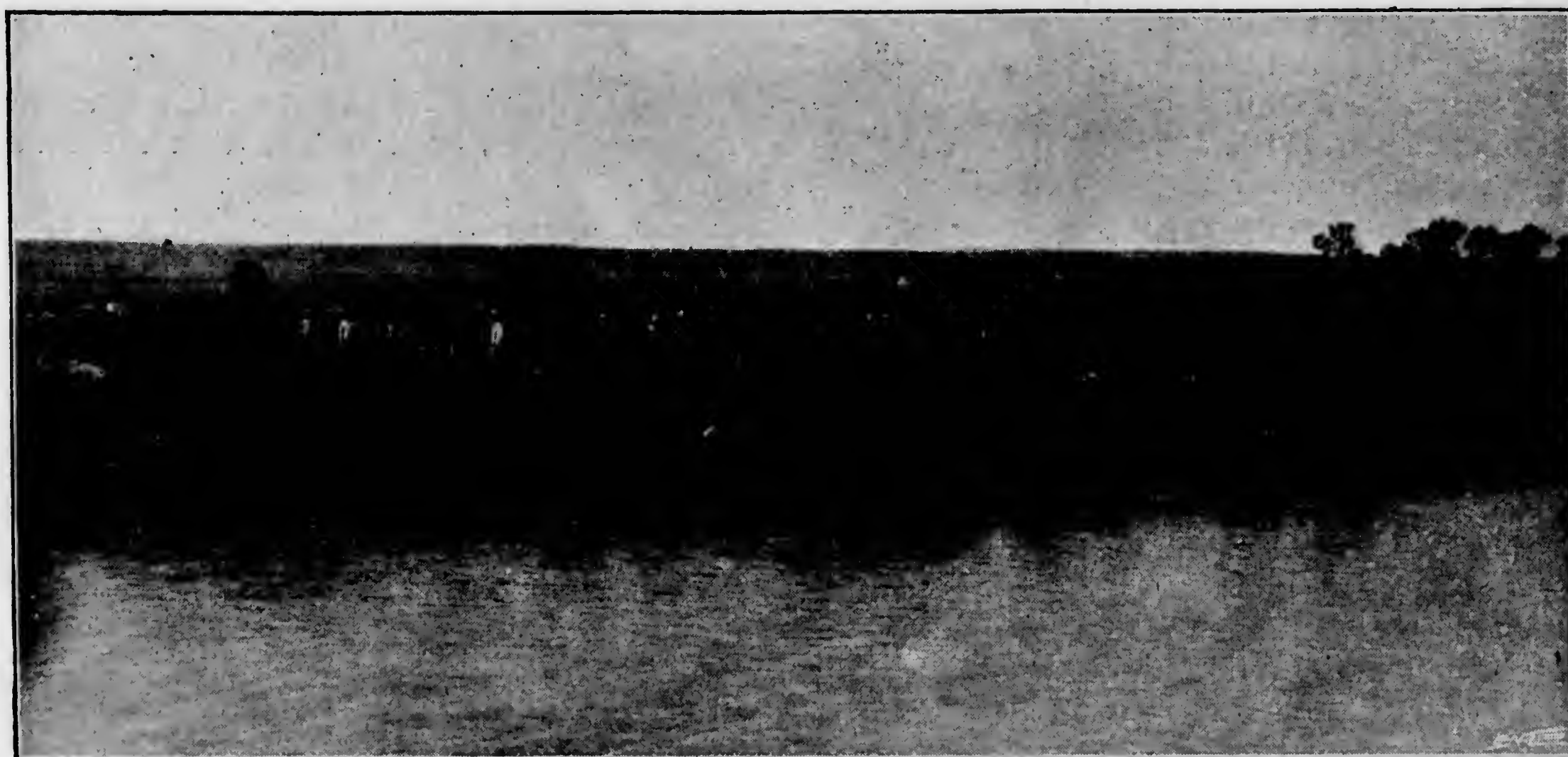
somewhat open in the rear, but sheltered by timber in the bottom. Those present differ in their estimates of the length of time the command remained in the bottom after they were attacked in force. Some say "a few minutes"; others, "about an hour." While Reno remained there his casualties were few. The hostile Indians had him nearly surrounded, and there was some firing from the rear of the position by Indians on the opposite bank of the river.

One man was killed near Reno, and directly afterward Reno gave orders to those near him to "mount and get to the bluffs." This order was not generally heard or communicated. While those who did hear it were preparing to execute it he countermanded the order, but soon afterwards he repeated the same order, "to mount and get to the bluffs." Again it was not

got jammed, and lost all semblance of organization.

Reno's casualties thus far were three officers and twenty-nine enlisted men and scouts killed, seven enlisted men wounded, and one officer, one interpreter, and fourteen soldiers and scouts missing. Nearly all the casualties occurred during the retreat and after leaving the timber. The Ree scouts continued their flight until they reached the supply camp at the mouth of the Powder River on the 27th, while the Crow scouts remained with the command.

What occurred with reference to General Custer can be best told in the words of Captain Godfrey, as written by him twelve or fourteen years after the massacre. He was with the battalion commanded by Captain Benteen: "Not long after leaving the water-hole a sergeant



From a Photo. by

THE SCENE OF THE MASSACRE.

[D. F. Barry.

generally understood. Individuals, observing the preparations of those near Reno, informed their troop commanders, who then also gave orders to mount.

Several men who did not hear the orders to mount and make for the bluffs were left behind and did not make their escape until night, one not being able to make his way across the river until the following day, when the appearance of fresh troops drove the Indians away. Reno's command left the bottom by troop organizations in column. The commander was foremost in this retreat, or "charge," as he designated it in his official report. Owing to the strength of the Indians the battalion could not get to the ford where it had entered the valley, but was fortunate enough to strike a crossing farther above, where a pony trail led to the top of the bluffs on the farther side. Here the command

met him (Captain Benteen) with an order from Custer to the commanding officer of the pack-train to hurry it up. The sergeant was sent back to the train with the message; as he passed the column he said to the men, 'We've got 'em, boys.' From this and other remarks we inferred that Custer had attacked and captured the village.

"Shortly afterward we were met by a trumpeter bearing this message signed by Colonel Cook, adjutant: 'Benteen, come on. Big village. Be quick. Bring packs,' with the postscript, 'Bring packs.' The column had been marching at a trot and walk, according as the ground was smooth or broken. We now heard firing—straggling shots, and as we advanced the engagement became more and more pronounced, and appeared to be coming toward us. The column took the gallop with pistols

drawn, expecting to meet the enemy, which we thought Custer was driving before him in his effort to communicate with the pack-train, and never suspecting that our force had been defeated.

"We were forming into line to meet our supposed enemy when we came in full view of the valley of the Little Big Horn. The valley was full of horsemen riding to and fro in clouds of dust and smoke, for the grass had been fired by the Indians to drive the troops out and

overlooking the valley, and were discussing the situation. Among our number was Captain Moylan, a veteran soldier, and a good one too, who was watching intently the scene below. . . . At this time there were a large number of Indian horsemen in the valley. Suddenly they all started down the valley, and in a few minutes scarcely a horseman was to be seen. Heavy firing was heard down the river. During this time the questions were being asked: 'What is the matter with Custer that he doesn't send



"WE WERE FORMING INTO LINE TO MEET OUR SUPPOSED ENEMY."

cover their own movements. On the bluffs to our right we saw a body of troops who were engaged. But an engagement appeared to be going on in the valley, too. Owing to the distance, smoke, and dust it was impossible to distinguish if those in the valley were friends or foes. There was a short time of uncertainty as to the direction in which we should go, but some Crow scouts came by, driving a small herd of ponies, one of whom said 'Soldiers!' and motioned for the command to go to the right. Following his directions we soon joined Reno's battalion, which was still firing.

"Reno had lost his hat and had a handkerchief tied about his head. He appeared to be very much excited. . . . A number of officers had collected on the edge of the bluff

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word what we shall do?' 'Wonder what we are staying here for?' etc., thus showing some uneasiness.

"But still no one seemed to show great anxiety, nor do I know that anyone felt any serious apprehension that Custer could or would not take care of himself. Some of Reno's men had seen a party of Custer's command, including Custer himself, on the bluffs about the time the Indians began to develop in Reno's front. This party were heard to cheer and seen to wave their hats as if to give encouragement, and then they disappeared behind the hills or escaped further attention from those below. It was about the time of this incident that Trumpeter Martini left Cook with Custer's last orders to Benteen, viz.: 'Benteen, come on.

Big village. Be quick. Bring packs.—Cook, adjutant. P.S.—Bring packs.' The repetition in the order would seem to indicate that Cook was excited, or flurried, or that he wanted to emphasize the necessity of escorting the packs.

"It is possible—even probable—that from the high point Custer could then see nearly the whole camp and force of the Indians, and realized that the chances were desperate; but



"GENERAL CUSTER HAD BEEN SHOT IN THE TEMPLE AND IN THE LEFT SIDE."

it was now too late to reunite his forces for the attack. Reno was already in the fight and his (Custer's) own battalion was separated from the attack by a distance of two and a half to three miles. He had no reason to think Reno would not push his attack vigorously. A commander seldom goes into battle counting upon the failure of his lieutenant; if he did, he certainly would provide that such failure should not turn into disaster.

"During a long time after the junction of Reno and Benteen we heard firing down the river in the direction of Custer's command. We were satisfied that Custer was fighting the Indians somewhere, and the conviction was expressed that 'our command ought to be doing something or Custer would be after Reno with a sharp stick.' We heard two distinct volleys which excited some surprise; and, if I

mistake not, they elicited the remark from someone that 'Custer was giving it to them for all he was worth.' I have but little doubt now that these volleys were fired by Custer's orders as signals of distress and despair and to indicate where he was. . . .

"The Indians were seen by them (Captain Weir and Lieutenant Edgerly) to ride about what afterwards proved to be Custer's battlefield, shooting into the bodies of the dead men.

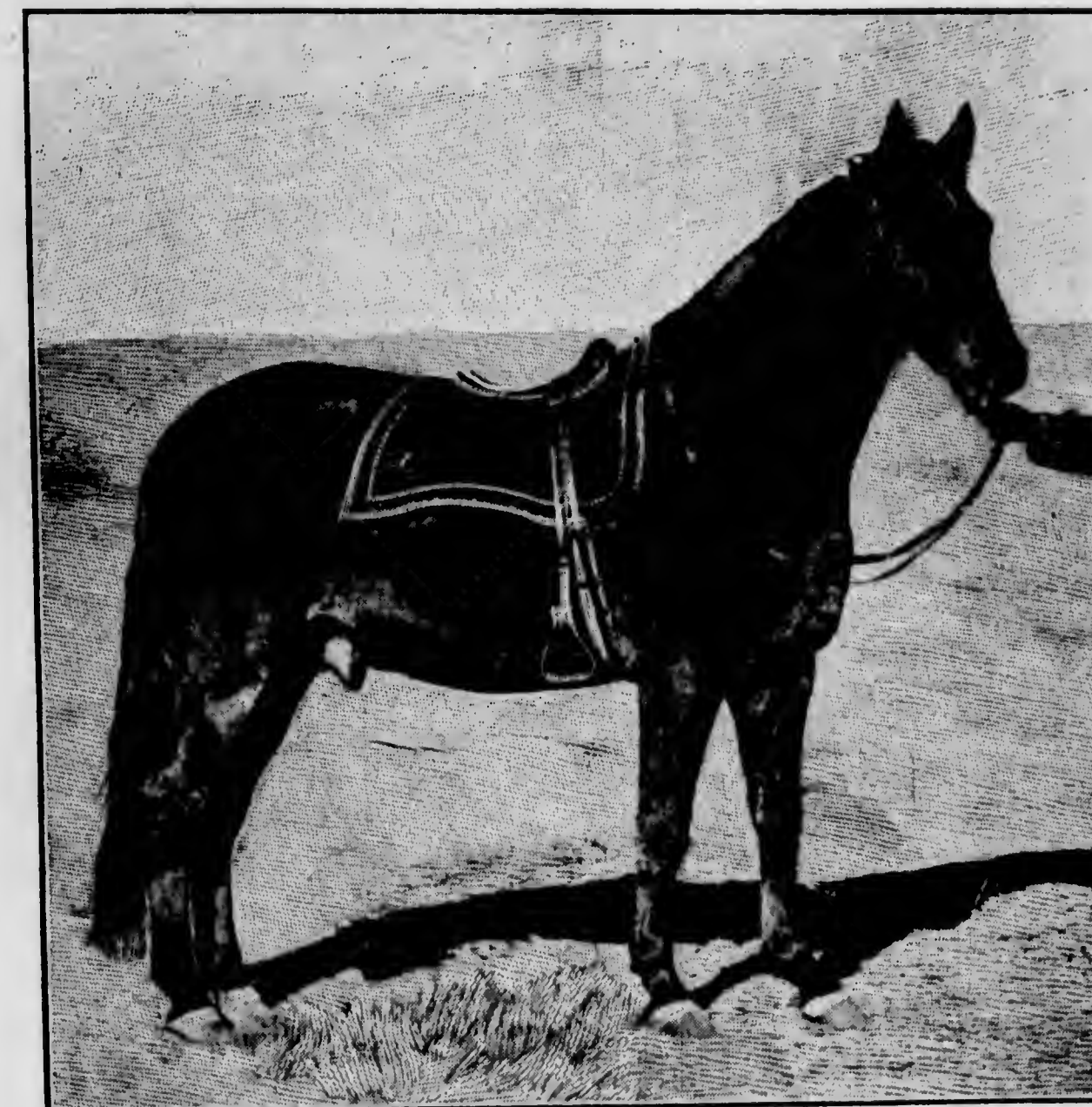
. . . . Looking towards Custer's field on a hill two miles away we saw a large assemblage. At first our command did not appear to attract their attention, although there was some commotion observable among those nearest to our position. We heard occasional shots, most of which seemed to be a great distance off, beyond the large groups on the hill. While watching this group the conclusion was arrived at that Custer had been repulsed, and the firing was the parting shots of the rear-guard. Presently the firing ceased, the groups dispersed, clouds of dust arose from all parts of the field, and the horsemen converged towards our position."

After being besieged on the bluffs until the morning of the 27th Reno's and Benteen's battalions were relieved by the arrival of General Terry, when they learned of the disaster which had befallen the gallant Custer and his command. On the 28th the dead were buried. All the

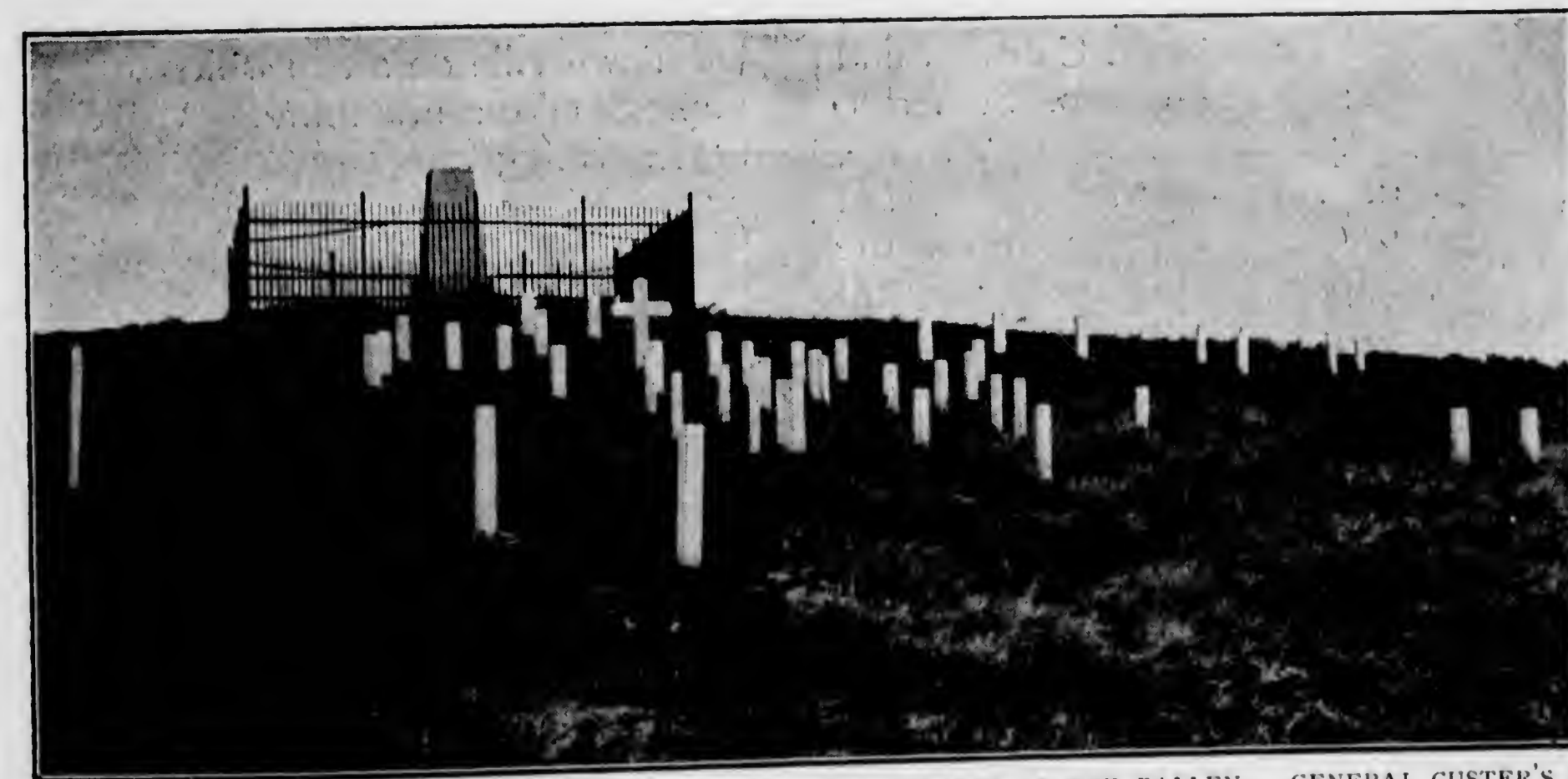
bodies except a few had been stripped of their clothing. Nearly all were scalped or mutilated in some manner, but there was one notable exception, that of General Custer, whose face and expression were natural; he had been shot

in the temple and in the left side. The killed of the entire command was 265, while the wounded numbered fifty-two. In memory of the gallant dead the Government some years ago erected a large monument on top of the hill near where the bodies of General Custer and many of his officers and men were found. On this monument are engraved the names of the dead heroes. On each spot where a body was found a marble headstone has been erected, a cross marking the place where Custer's body was

found. The extension a few years ago of a railroad through the vicinity of the Custer battlefield renders it easy of access, and year by year the number of tourists who visit the spot soaked with the blood of heroes is increasing.



"COMANCHE," THE ONLY LIVING THING THAT ESCAPED THE MASSACRE.
From a Photo. by D. F. Barry.



"CUSTER'S HILL," SHOWING THE NATIONAL MONUMENT AND THE GRAVES OF THE FALLEN. GENERAL CUSTER'S GRAVE IS MARKED BY A CROSS.

From a Copyright Photo. by H. R. Locke.

AN OVERLAND JOURNEY IN QUEENSLAND.



BY MAJOR A. J. BOYD, OF BRISBANE.

This straightforward narrative of travel and adventure in Tropical Australia conveys an accurate picture of pioneer work in the unexplored territory. Major Boyd and his companion had an exciting and interesting journey, which, however, terminated in a very tragic manner.

VERY little idea can the present generation of Australians form of the state of North Queensland, beyond tropical Townsville, in the days when there was no town and no settlement of any kind except Cardwell and the little Government township of Somerset, situated on a picturesque site on Albany Passage, the most beautiful part of the Queensland Coast. Thence to Cape York, both on the coast and inland, the primeval bush was still held in possession by the wild blacks. Thousands of square miles of magnificent rolling downs covered with succulent grasses and herbs, stately forests of huge eucalyptus and pine trees, dense tropical jungle, clothing the richest description of agricultural land, lay undisturbed save for the occasional passage of a band of native hunters, who, in the pursuit of game, often set fire to the grass on the vast plains, the feeding grounds of countless kangaroos, emus, bustards, and other game.

No white man, except some venturesome explorer, had ever set foot on this northern paradise, and these only went there at the risk of their lives, the natives being numerous, fierce, and

treacherous. They would dog the footsteps of a stranger, black or white, follow him up until they caught him off his guard, and then spear him in his sleep when he least suspected danger.

It was in those days, then, that a chum and I left Townsville on a trip which has left a lasting impression on my mind. We each had two horses, riding one and using the other to carry our pack-bags, which contained everything needed by a bushman. This, as all know who have travelled in the bush, means very little, for not much baggage is needed by an Australian bushman for a trip of a thousand miles or so. He can make shift to cross the great State of Queensland from east to west or from north to south with no more than 50lb. weight of baggage; and it is this that makes his great value as a mounted infantry soldier. That 50lb. will include all his food in the shape of flour, tea, sugar, and beef, as well as tobacco and blanket. His food he supplements easily on his journey with the help of his rifle and fishing-lines.

There is nothing very exciting in a journey on horseback from Townsville to within a hundred miles of Georgetown. The monotony of the

Our Treatment of the Indians

*It Comprises the Blackest Pages in the Record of
the United States*

By Stewart Edward White

Author of: Arizona Nights, etc.

FROM the earliest times our treatment of the Indian has been bad. Sometimes we have been intolerantly conscious of our race superiority; sometimes we have been actuated by religious bigotry; sometimes we have plundered him as an easy mark whom we could lick, or who had been reduced to a helplessness where no potent voice would be raised in his behalf; again we have smothered his interests in inescapable red tape, idiotically consistent policies, or half-schemes for his betterment, ill-carried out. About the only thing we have to our credit is good intentions. That place has been superlatively paved—lo, these many years. We have managed to raise quite a monument here on earth to them, however. Such as an Indian Bureau that has become so snarled in its ineptitudes that it moves feebly, helpless in the face of simple problems, and scuttles to cover of a fog of words when it has to tackle complicated ones. Or reclamation projects at huge expense which reclaim nothing, or which permit the supposed recipients of their benefits actually physically to starve for lack of the further facilities to make those benefits practically available. Or policies that hold "in trust" millions of dollars of tribal funds so securely locked away from their supposed rightful owners that said owners have neither food nor shelter.

We, in the persons of our sweetly tolerant New England Puritan forefathers of revered memory, once flogged the friendly Indian who brought them a deer for the first Thanksgiving feast because the game had been slain on a Sunday; and then wondered piously at the lost soul's gathering a few friends to deal out retaliation. Sounds pretty bad, doesn't it? That is because it was two hundred odd years ago, and was a manifestation of a spirit we happen to have outgrown. We are doing, essentially, just such tricks today. Some Indians in California, through white friends, are at present petitioning Congress for the right to go into court and substantiate claims for our non-fulfillment of a treaty negotiated sixty or seventy years ago. The Indians faithfully did their side of the treaty. We did not, on some technicality the exact form of which I have forgotten. These men are not suing the merits of their claim. They are petitioning for the right to press it at all! You see, they are not citizens. They have no legal rights of citi-

zens. They have only the rights provided for them as "Wards of the Government."

Another of our monuments to good intentions are our Indian schools. Some of them are admirable. We all know that at Carlisle, for example. They are in general well and intelligently conducted, by able and devoted men. Their results are almost negligible. The Indian educated



there, and well educated, goes back to his reservation and relapses into his blanket state. Why? Because if he does not go back to his reservation he loses rights in tribal property and other valuable considerations that it is not human nature to forego. And on the reservation he finds no outlet for the education he has acquired. What is the use of learning things you have not the ghost of a facility to apply? And his new education and manner is, as always in all communities, a subject for ridicule. Of course he relapses to a dependent. Why should he not?

And yet the American Indian, at the present day, and on the average is better material than most of the foreign material we accept in the melting pot, and of which we make good citizens. He is as intelligent, as energetic—given the opportunity and incentive, as able to care for himself, as assimilable.

The trouble is a Bureaucracy with all its inevitable hidebound red tape and ossified craniums. It simply can not be

done that way. You can not place the physical, mental, moral and financial—oh, especially financial—affairs of any segregated body of human souls in the complete control of any group of men without the check of an effective public opinion, or votes, or the ability to hit back, and not run against disaster. The Indians have none of these things, especially votes. It would mean disaster, I repeat, even though the controlling body of men were all wise, high-minded and altruistic.

The Indian Bureau is none of these things. I say this in full knowledge of the fact that many of the personnel are devoted men doing the best they can. Their best must be ineffective under this system; and no one knows that better than themselves. As for wisdom, high-mindedness and altruism—I refer you to published record. No people has been more plundered, more mishandled, more often the victims of petty red tape, wild-eyed theory and complete practical inefficiency than the Indian; nor has any policy ever been defended by more childish reasoning. Again I refer you to the records, of which there are enough to make your head swim.

The cold fact remains that while we ship millions to Europe, people are starving right at home, through no fault but our own. Out of the thousand or so reasons why this is possible I will adduce

only two: six thousand odd men want to hold their jobs; and the Indians have no effective voice by vote or otherwise to protest. That the six thousand are not on to their jobs, in general, needs little further comment than the fact brought out in a Congressional investigation that of every dollar appropriated for the benefit of certain Indians, fifteen cents only reached the redmen. The other eighty-five were absorbed in administration!

But I have not space for the specific instances; Mr. Schultz is to write of one or two of them. He knows. To all intents and purposes he is a redman himself in all but blood. He has been with and of the Blackfeet all his life. Their problems have been very really his: and he possesses what they do not, the gift of expression. What he says, he knows at first hand. Perhaps through men like him we shall in time be able to bring to bear that public opinion which normally would express itself through the votes that the office holder respects.

The seven echoes—and this is the truth—were the making of Jed's cave. He had a Bishop's Pulpit and a Pipe Organ and all the other trimmings a good cave has to have but every other cave in Carter County had the same, and it couldn't be disputed that Jed's cave was back off the main road quite a distance. People came to Jed's cave to hear the echoes and it was no use pretending anything else. With the echoes gone Jed's cave was nothing but a tenth rate cave and not worth bothering about in a county that was full of caves.

When I had worked poor old Jed out from under the stalactites and had shouldered his lifeless form I carried him to the house, but I did not have the heart to tell Abundant about the dead echoes. I just couldn't do it while she was in her first burst of sorrow. I padlocked the cave door and put a sign at the gate of the farm, "Closed because of death in family," and did what I could about the funeral and all.

After it was all over I talked with Abundant. I asked her what she thought she would do now. It was pitiful to see her trying to be brave and cheerful. She said she thought she would just let things go along as usual. Probably, she said, she would have to get an extra hand to work on the farm and a woman to be a sort of a chaperone, but she said she couldn't do anything but stay on the place and run the cave and the farm and live on the income.

How could I tell her how bad things were? The farm had never earned a cent and never would; Jed had told me that. The farm was nothing but local color. One of the first rules of the Carter County Cave-owners' Association was that every cave-owner must be a farmer or appear to be a farmer. The trade liked it. The cave-seeing trade was high class and liked to think of Carter County as plain farm country owned by plain farmers, sweet and unspoiled and unsophisticated, with nothing of the Coney Island thing about it. The minute Carter County began to be Coney Islandish the big car people would pass it by. That was plain common sense; many a cave has been ruined by the owner putting in a soft-drink stand or ice cream tables. The best cave-seeing trade likes the rustic line, with maybe the woman of the place coming out in a gingham apron and sunbonnet to offer a glass of buttermilk. Then the cave-seeing trade feels it has sort of discovered the cave. When it gets to look like a regular side-show place a cave gets passed up.

For that reason the Carter County cave owners all kept up the simple rustic stuff and had a few cows and chickens round and wore blue jeans, but there was



"Bare-lip Bill" was a wonder

no money in the farms. Abundant Measure's farm was one of the worst of the lot, too.

There was another thing. Jed hadn't been able to pay cash down for the full value of his farm. He had given a mortgage in part payment and had let the interest payments get behind and the man that owned the mortgage was a fellow named Rance Titherweight. He had a bad eye. I did not like him at all, and I did not like the way he looked at Abundant when he came round. He was a big, fat man, almost fifty if not fully that, and I was afraid of what he might propose now that Jed was gone and he had Abundant more or less in his fat paws, so to speak.

In our talk Abundant told me about the mortgage and all, but it did not seem to worry her. She said Jed had expected to take in enough from cave-seers that season to pay up all the interest and something on the principal, and that he would have done it before but that he had spent so much repairing the house and out-buildings.

For two or three days after the funeral I walked round that farm like a lost soul trying to think of something I could do for Abundant, and Rance Titherweight

bothered me a lot. He came to the farm every day, driving up in his glossy car and telling Abundant she must not worry and holding her hand longer than necessary when he came and when he went, the fat snake! I could see she hated to have him touch her hand. After he was gone she would rush to the kitchen and scrub her hands as if he had left slime on them.

It couldn't go on long as it was. I kept the key to the cave in my pocket but it stood to reason that a cave couldn't be kept closed very long on account of a death in the family, but if I opened the cave every one would know the echo was dead, and that would be the end of Abundant. Either she would have to marry that fat lizard of a Rance Titherweight or let him foreclose the mortgage and turn her adrift in the world without a cent or any experience with the world or any way to make a living.

I TOOK my torch and unlocked the cave and went in and sat down near where poor Jed had passed away. I tried the echoes but they were only too dead. While I was sitting there wishing I was a millionaire or a second Herrmann the Great a name suddenly came into my mind. It came so unexpectedly and clearly that for a second or two I thought some one had shouted it—"Bare-lip Bill." It seemed to settle every trouble Abundant had. I went back to the house and told Abundant I must go up to New York for a couple of days to see my lawyer or something and that I would bring back a farm-hand for her, and she let me go.

I did not have as much trouble getting Bill to come to Carter County as I had feared. It was summer and nothing doing in his line or any other vaudeville line and he jumped at the chance.

(Continued on page 76)

"Very well! Very well!" said the white hen. "My gracious!" Abundant cried. "Am I mad?"



"The popular statement," says Professor Thomas, "that the Negro will have to be educated for thousands of years before he is as capable as the white becomes absurd." He endeavors to show that what is needed is a proper environment; such an environment a school like Tuskegee provides. He shows that a backward race "tends to imitate the weaker side of what we are pleased to call civilization—its luxury, leisure, vices, and classical learning. In Tuskegee we have an opportunity to see the Negro developed under a leadership which selects and presents sane copies." Dr. Robert E. Park, in an interesting paper on "Education by Cultural Groups," shows how the Tuskegee environment is secured.

Dr. Washington, speaking of Hampton's work, makes the following generous and discriminating statement of what it is accomplishing:

"The International Race Congress held at Tuskegee convinced me of one thing that I was never convinced of before and that is that Hampton, through its work, is exerting a powerful influence in the direction of higher civilization for all the dark races of the world.

"Persons who visit Hampton from time to time may feel that the expense incurred in educating the students is large, but Hampton's work is by no means confined to the education of the few hundred students who are on the rolls of the Institute. Hampton methods are being sought after and used throughout the world where dark races are being educated. This was referred to time and time again by the delegates to our recent International Congress.

"Every teacher at Hampton, every student, and every friend who contributes even a small sum to the work of Hampton, even if he make no other contribution than a sympathetic word or a prayer for the success of the school, is helping forward the higher civilization of all the dark-skinned people of the world.

"Hampton is indeed the experiment station to which dark races in Africa, South America, and the West Indies are looking and they are being guided and reared by what is done daily upon the grounds of Hampton Institute."



**Some Recent
Wrongs to the
Indians**

The difficulty of securing justice for the Indian seems not to grow less with the passing of the years. For while, on the one hand, there is constant effort by the various volunteer organizations such as the Indian Rights Association, the National Indian Association, the Mohonk Conference, yes and by the Indian Office also, to arouse public opinion and to insist upon fair dealings with the tribespeople, there is, on the other hand, an ever increasing pressure and avarice on the part of the white man to acquire the Indians' rights to land and water. This is in

part due to the steady increase of population on the borders of the reservations, and to the fact that in this population are a good many white men who appear to think that the Indian has no rights which they are bound to respect, and who have no conscience when a question of land ownership is involved. There is therefore a good deal of ground for the charge sometimes made that white men are pressing on the frontier as never before and that the rights of the Indians are being ignored as in former days.

A number of instances have recently come to light which accentuate these charges. There is the case of the Pimas who have been reduced to a distressing condition through the loss of water for irrigation. Water was formerly supplied to them in abundance from the Gila River, until the white settlers farther up the stream drew off this water for themselves and left the poor Indians hopeless and miserable through the failure of their crops. Other causes, too, contributed to their distress, but of all this the public is now pretty widely informed. Partly because of this publicity, perhaps, but more particularly because Commissioner Valentine himself finally made a personal inspection of the reservation and became convinced of the genuineness of their wrongs, the fortunes of these Indians seem now to be on the mend though much still remains to be done.

Another unfortunate case is that of the Navahoes. These Indians in Arizona and New Mexico number some 30,000 and are among the best of the Western tribes. They have hitherto been self-supporting through agriculture, stockraising, and the weaving of blankets. But it seems that just now white men are looking with longing eyes upon some of their lands, especially the timbered lands, and are trying to get possession of them by every kind or trickery at their command.

Worst of all, perhaps, is the case of the Chippewas who have already been extensively deprived of their lands through what are believed to be colossal frauds, and who, in addition to being defrauded, are sadly reduced by the ravages of tuberculosis and trachoma. Their case is now receiving considerable attention, partly as a result of the official investigation by Inspector Linnen and partly through an independent investigation conducted by Professor W. K. Morehead of Andover, Mass. Professor Morehead's statements made at a public meeting at the Twentieth Century Club of Boston, held under the auspices of the Indian Citizenship Committee, resulted in the adoption of resolutions urging President Taft "to do all in his power to right the wrongs that have been done to the Indians in the past; to

stop the injustices that still continue; and to lift Indian affairs out of politics." The Board of Indian Commissioners has had the Chippewa situation under discussion, and other agencies have been at work on behalf of this tribe. A commission of inquiry from the Department of the Interior and the Department of Justice has now been sent to the reservation. Whatever relief may be afforded at this stage will probably be extended to these Indians and it is earnestly to be hoped that if there is any proof of fraud those who are guilty may be brought to punishment.

But what lesson, if any, is to be derived from such a recital of wrongs done to the Indians? Obviously an ounce of prevention in such cases would be worth a pound of cure. One thing that is needed, then, is the creation of a strong public sentiment which shall be everywhere felt to quicken the sense of right and justice in all our dealings with dependent peoples; and, with this, a prompt prosecution and punishment of wrong doers, so that the practice of frauds upon the Indians will be not only unpopular but unprofitable as well.



Mr. Howe
and the
Dixie Hospital

When General Armstrong was sent down to the Virginia peninsula after the war to administer the affairs of the Freedmen's Bureau he found a Yankee soldier, Albert Howe, in the town of Hampton, who, having completed his service in the war in connection with a Massachusetts regiment, had opened a store and determined to make a home in the Old Dominion. When the General started the Hampton School he beckoned to the Yankee soldier much as the Great Master did to the fishermen on the shore of the Sea of Galilee and said to him, "Follow me." As the fishermen left their nets and followed Christ, so Mr. Howe left his store and followed General Armstrong. Through all the early years of the school's struggle he was the General's "Fidus Achates." The school grounds, the buildings, the boys who have gone out from Hampton all bear the marks of Mr. Howe's faithful labor. Not many months ago his friends gathered in Marshall Hall on his seventy-fifth birthday and Mr. Ogden presented him with a loving cup as a slight token of the affection which the school's workers have for this faithful veteran who is in thought and feeling the youngest of them all.

Mr. Howe still retains his place in the school Faculty and Business Committee where he is an important factor, but much of his thought and time has been given to the Hampton Training School for Nurses and Dixie Hospital of which he is treasurer and for which he is

grees are better off financially because of their skill as athletes. Attempts have been made to define the exact point where these indirect emoluments change the classification of the athlete who receives them. All these attempts have been in a measure unsuccessful and fruitful chiefly of bitter controversy. Sometimes the spirit of the rule has been sacrificed to a technicality; sometimes the technicality has been overlooked for the sake of a popular athlete.

Out of the controversy over the status of amateurs and professionals there seems to stand forth but one clear principle, and that is that the man or the woman who makes a business of sport

should be put in a different group from the man or woman to whom sport is a secondary interest in life. Rule committees will doubtless continue to give form and substance to this general principle. The successful classification of our athletes, however, depends not so much upon the existence of hard and fast rules as upon a broader understanding of the spirit of fair play. There should be no stigma of any kind placed upon the man or the woman who is openly a professional. The man or the woman who can teach others to swim or run is engaged in an honorable task. The professional tennis player who provides for the onlooker an interesting and stimulating

contest is certainly engaged in as useful an occupation as the actor who entertains the same public on the stage. If some of the social nonsense which we inherited from our English cousins could be removed from the discussion of the status of athletes, there might be more leading players who like Mary K. Browne would frankly and openly step across the line into the professional field. That in itself would eliminate a large proportion of our present controversy. No rule will ever be devised half so effective as an enlightened athletic conscience. The problem of the amateur and the professional is one to be settled by education rather than legislation.

Outlook - Sept. 22, 1926.

The Last Stand of the Indian

This article comes to us from a responsible source. As its author is living in Mexico, he has asked us to withhold his name

THE real gist of the Mexican question is that it is the last stand of the Indian. Not that all Mexicans are Indians, but the Indian element is so overwhelmingly preponderant that what becomes of the Indian will decide what is to become of Mexico.

After four hundred years of Spanish rule and contact, about sixty per cent of the population of Mexico is still pure-blooded Indian—in racial traits closely akin to the North American Indian. Some forty per cent have in their veins an admixture of Spanish blood, which varies from the slightest trace to nearly pure-blooded Spaniards. It is assumed, however, that the forty per cent average one-eighth Spanish blood (which is probably too high), this would make, quantitatively considered, five per cent Spanish blood in Mexico and ninety-five per cent Indian blood.

This Indian element has always been an inarticulate mass of humanity, a dead weight round the necks of those Mexicans who have tried to uplift their country and the despair of all those foreigners who have tried to help them. Eighty per cent of the population have never learned to read and write, and hence have been the easily manipulated tool of any leader, good or bad. The character of this Indian population differs, naturally, as there are many, many tribes, but, generally speaking, they are humble, polite, affectionate, not so much lazy as utterly lacking in initiative—good workers if made to work, but otherwise will not work at all; like all primitive peoples, easily roused by the

beating of the tom-tom or the flow of oratory, and with tremendous powers of resistance. This Indian element has taken much less part even in the revolutions that have swept over Mexico than is generally assumed. The population of Mexico is about 15,000,000, and yet at no time during all the revolutions have there ever been more than 60,000 men under arms at any given time, with all factions counted together. It is this hopeless inertia of the Indian which has been the curse of Mexico down through the centuries.

FOR four hundred years the Mexican Indian has watched the white man come and go, bringing into Mexico the culture of the land from which he came, developing mines, building railroads, establishing factories, and constructing all the woof and web of that which we call civilization; but in it all the Indian has taken no part beyond that of doing the white man's bidding. The attitude of the Indian has seldom been one of hostility, not even of passive resistance. His attitude is simply that it is all too much trouble. Where it is more trouble to resist than to adopt the civilization that is forced on him he will adopt it. The lack of education for all these four centuries has not been due to lack of opportunity, but to lack of interest. It is true that education has not been crammed down the throat of the Mexican Indian, but he has been exposed to it for quite four centuries, and it has never taken. Many of the old Spanish monks were good men and true, who spent their lives—as did Las Casas—trying to teach

the Indian; but their labor went for naught, even as the labor of a paternal Government in the United States has gone for naught for over a hundred years in trying to teach the Indian there, and the Indian has wrapped his blanket about him and stalked away into the silent sunset of a dying race. Every bit of the civilization which is in Mexico to-day has been the work either of out-and-out foreigners or of the Spanish blood which flows in the veins of the Mexican.

The inevitable result of this has been that, as the foreigner was the creator of this wealth, he is to-day the owner of it. On the basis of assessable valuation, at least three-fourths of the taxable wealth of Mexico to-day is owned by foreigners, who likewise pay more than three-fourths of the taxes; and consequently the Government is supported and enabled to maintain itself in power only by means of the taxes which are paid by the foreigner. One must have a great deal of sympathy for the Mexican view-point and realize that to a Mexican this situation must be very galling and inevitably breed resentment against the foreigner who, economically speaking, owns Mexico. When the recent Mexican Congress sat in session and passed laws regulating the rights of foreigners to hold and acquire property in Mexico, few of them actually realized that three-fourths of their salaries as Congressmen were being paid by taxes on the foreigners whose economic fate they were deciding.

From the Mexican view-point this situation is undoubtedly very regrettable.

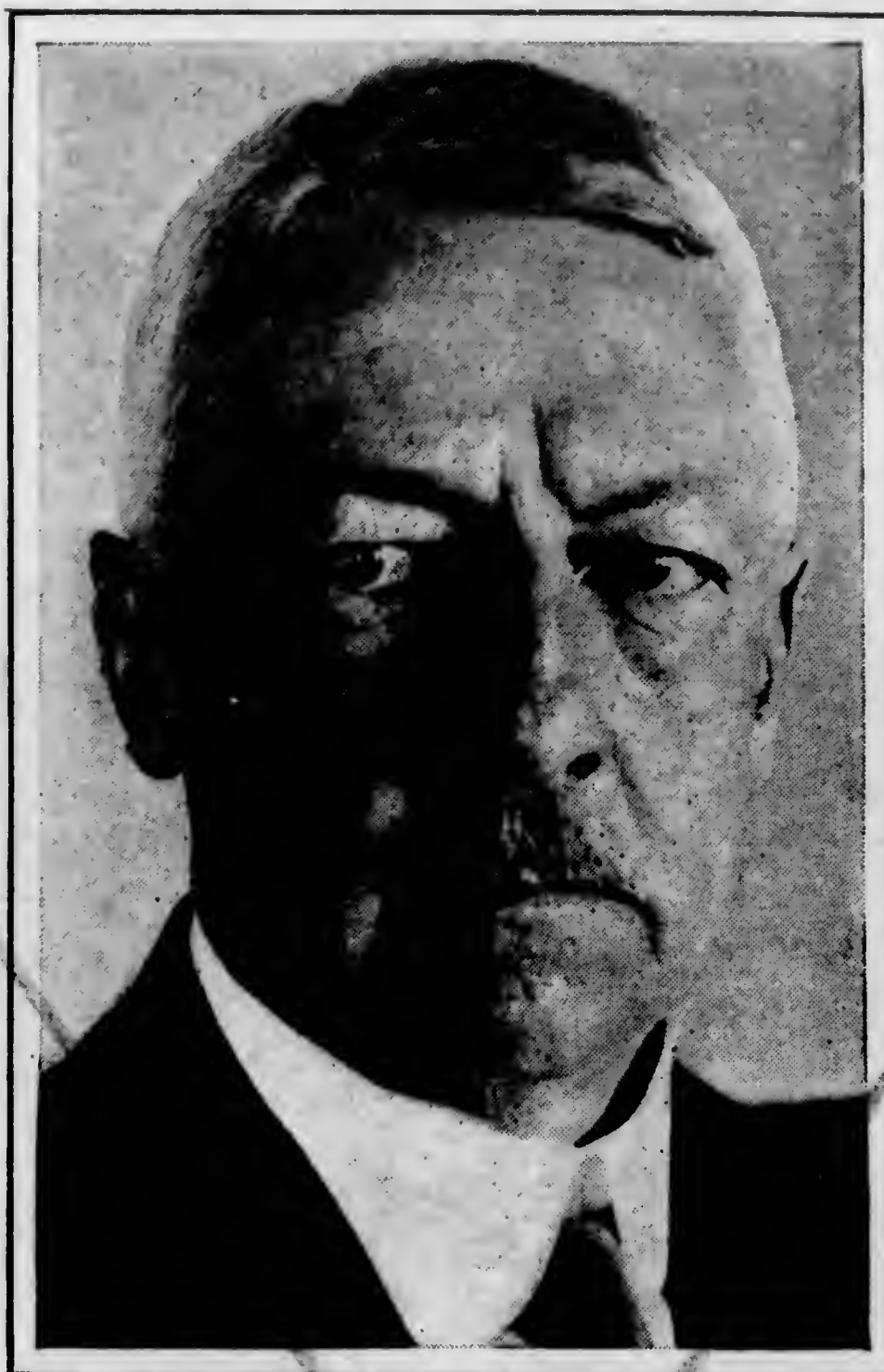
President Calles of Mexico, on his side, has made it clear in a signed statement in "Foreign Affairs" for October that his Administration proposes to pursue an unaltered course regarding the property and investment rights of foreigners and the Catholic church. He says: "What we are trying to do in Mexico is to waive the claims of individual or sectional advantage for the benefit of a common weal. Of course it is neither easy nor agreeable to develop such a policy truly and with energy in a country where privileges and what are represented as rights—frequently nothing less than immoral or unjust concessions—have been in the hands of an insignificant minority, native or alien. . . . We have wished, once for all, to organize the statutes of our constitutional laws and enforce them, justly and strictly, in order to be able to develop our national wealth, and to avert, also, perpetual misunderstandings and false interpretations of our legislation and see to it that capital invested in Mexico shall know clearly what it has a right to expect in this country."

President Calles might have touched upon some of the difficulties created by the character of the population of Mexico itself—difficulties graphically revealed in the article in this issue of The Outlook entitled "The Last Stand of the Indian." He does discuss the educational plans and agricultural program of the Mexican Government, through which it hopes to bring the illiterate and impoverished masses of its people to a better condition. But raising the millions of the Mexican Indians to the level of a twentieth century democracy must be a long task. It will call for all the courage and faith that the most enlightened leaders of Mexico can muster.

If it could be accomplished, the menace of recurrent disorder in Mexico would be removed and a tremendous market would be created. On the lowest basis of mercenary interest, the United States would be in position to gain immensely if Calles should succeed. Consider, for instance, what it would mean if the thirteen millions of Mexican peasants were to begin to want shoes, better clothes, house furnishings, more farm and factory equipment—not to mention school books. Any thoughtful American must wish President Calles well in his huge and trying labor.

It goes without saying that we expect

legitimate rights of Americans to be respected and protected in Mexico, and will continue to insist upon it. But the best assurance of that would be the gradual establishment in Mexico of a stable and progressive government, conscious of its international obligations and



Keystone

James R. Sheffield

inclined to discharge them because it recognizes that Mexico has had fair and considerate treatment.

Be Logical, Please

THE Health Commissioner of New York City has been quoted as saying, "Five thousand restaurants in the city of New York are paying graft to inspectors in the Department of Health." Under the circumstances, the only logical course for the wet newspapers of New York to follow is to cry out for the abolition of the inspection service of the Department of Health.

The Amateur

IF any man can work out a practical rule defining the exact demarcation between the professional and the amateur athlete that person ought to be invited to become a joint member of the Council of the League of Nations, the Hague Tribunal, and the United States Supreme Court. We are certain that he would fill all these offices acceptably.

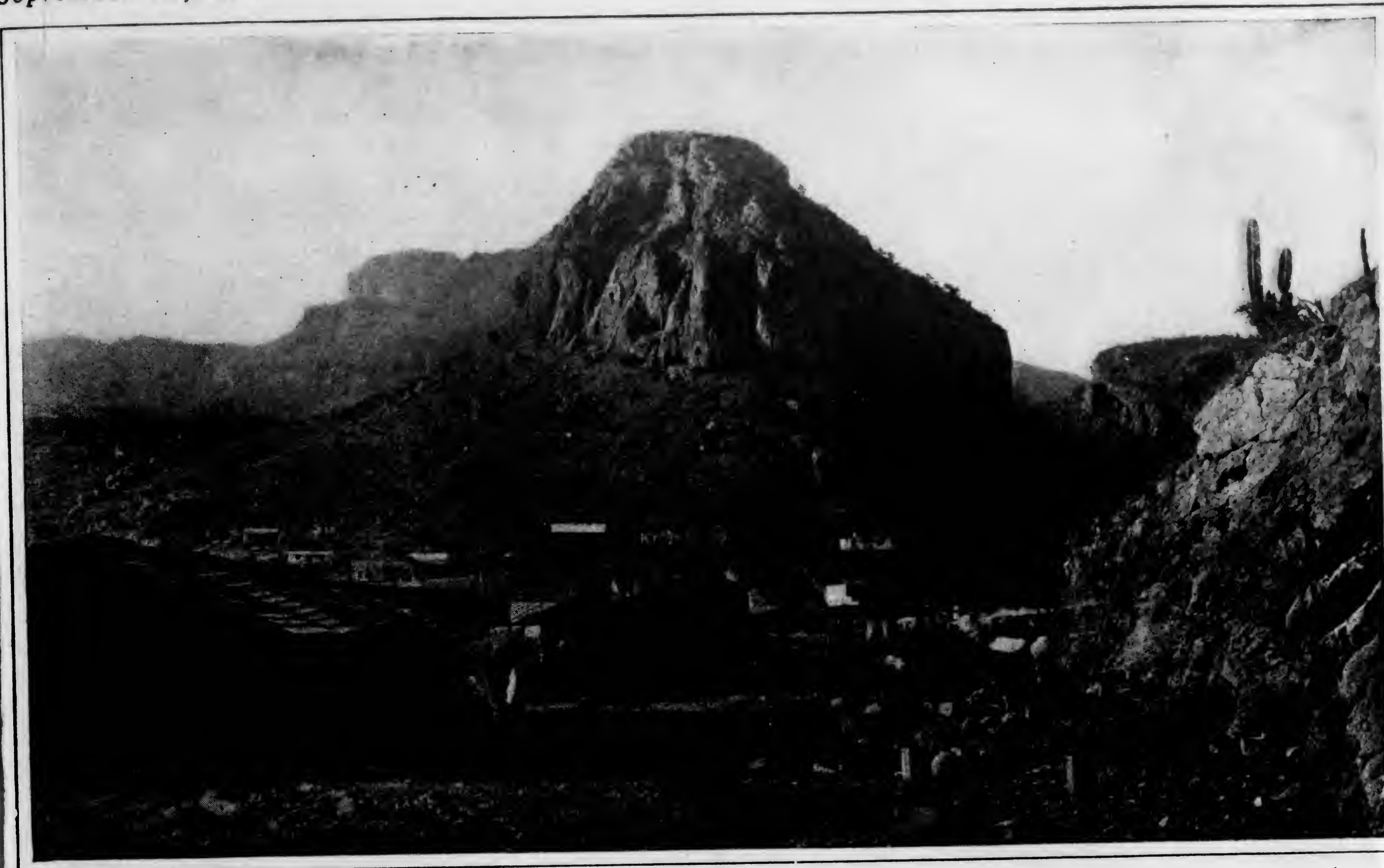
In merry England the problem of separating one class from another was once very simple. An amateur was anyone

who had inherited money and social position; the professional was anyone who had to work for a living. Not long ago a sport writer was unkind enough to suggest a rule of equal simplicity for our British cousins which will probably not be welcomed with any great show of enthusiasm. The professional, this writer suggested, is any foreign athlete who beats a British amateur. There may be enough justification for this witticism to make it sting a bit, but there is not enough truth in it to help us in our search for a real definition of professionalism.

All Americans agree that there are certain easily recognizable professionals and easily recognizable amateurs. Walter Hagen, Gertrude Ederle, Suzanne Lenglen, Red Grange, are one and all professional athletes. To call them professional does not in the least imply that their ethical standards are lower or their sportsmanship poorer than that of other athletes who are classed as simon pure amateurs. There have been many golfers, shall we say, of unquestioned amateurishness who, in a moment of distress, might be tempted to kick their balls into more favorable lies—an act to which no real professional would stoop. We cannot say, therefore, that an amateur is a player of higher ethical standards than the professional.

We shall certainly not accept the old English distinction between gentlemen and—others. In fact a man who has to work for a living may have much more of the genuine amateur spirit than the man who does not. Those with the leisure to devote their life to sport have all the competitive advantage of full fledged professionalism without, at the same time, the disadvantage of being unable to compete on equal footing with other amateurs. But the distinction between the professional and amateur cannot be discovered by any hard and fast rule limiting the time which the player may devote to his or her favorite sport.

It is easy enough to classify as a professional the athlete who accepts certain forms of financial remuneration; but there are many ways in which an athlete of pre-eminent position may capitalize his skill without departing in the least from existing rules. The football hero who gets a job selling bonds, the tennis player who writes articles, the golf player who sells lawn mowers to golf clubs, each and all in varying de-



Wide World

An Indian Settlement in Mexico

ble; but whose fault is it? It is the result of the continuous apathy and lack of energy of the Indian during the four centuries that he has been in contact with Occidental civilization. Over one hundred years ago Humboldt, after visiting that country, likened Mexico to a beggar sitting on a sack of gold. For the century since his visit Mexico has continued to sit on the sack; with this difference, however, that during those hundred years the foreigners have entered Mexico in larger numbers. They have bargained with the Mexican for the right to develop the country, to translate the dead material contents of the sack into the satisfaction of live human wants, and in a perfectly legitimate way have acquired legal and just rights to three-fourths of the developed wealth of the sack; and the Mexican's only claim to decide what shall be done with the entire sack is based on the fact that he sat on it first.

From a stockholder's standpoint, the Mexican does not own a majority interest in Mexico. He is a minority stockholder. He has bartered away his majority rights, just as the North American Indian often bartered away his rights to great potential wealth, turning it over to those who could and did develop it.

The greatest development of Mexico took place during the government of Don Porfirio Diaz, when foreign capital was not only permitted to come into Mexico, but invited to come in and in-

vest in mines, railroads, factories, and everything that would make Mexico a modern nation. For practically three decades foreigners came in, put their capital and their energy into the development of the country, and made money for themselves and their Mexican associates, and the country prospered and they were welcome.

It is only in the last few years that the movement of "Mexico for Mexicans" has taken place and the concerted effort to push the foreigner out of Mexico has been manifest. And the foreigner who is being thus pushed out asks himself, Whence comes this change in atmosphere, this cold wind which is blowing up from a new quarter?

THIS new wind which has sprung up is the flowing together of several currents in world affairs which have moved toward a common goal. One of them (and the principal one) is that wave of Socialism which has swept over the entire world like a vast ground swell and which broke most violently in Russia, where it met the highest peaks of resistance, and ebbed out most peacefully in the United States through the channels of freedom of speech and thought. Apparently, humanity as a whole makes progress only by building up peaks in its social structure and then leveling them off in order to raise the common base. The two countries in the world where the highest and slenderest peaks

were raised were Russia and Mexico. In both countries about eighty per cent of the population could not read or write. In neither country was there any substantial middle class between the highest and the lowest to serve, as it were, as a safe ascent for those who go up the social scale and break the fall of those who must come down. Economic and social conditions in the two countries were remarkably alike. Otherwise there was nothing in common, and is not to-day. However, the iron hand of despotism both in Russia and Mexico promptly crushed or exiled those turbulent spirits who wished to break up the existing social order. Those who were exiled either voluntarily or involuntarily found a common refuge and meeting-place in the two oldest republics of the world, the United States and France.

In certain social clubs down in Greenwich Village, in New York, young Russian Communists like Trotsky foregathered with young Mexican agitators. In the offices of "Big Bill" Haywood, the I. W. W. headquarters in Chicago, Russian Communists and Mexican agitators were equally welcome. All three had declared war on the same enemies—viz., government, clergy, and capital. Russian Communist literature was translated into Spanish in these offices and disseminated throughout the copper-mining camps of Arizona and Sonora, the southwest corner of the United States and the

northwest corner of Mexico. When the United States finally became too hot for "Big Bill" Haywood, he went to Russia and died there.

"Parlor Socialism," later known as "parlor Bolshevism," was then much in vogue among certain intellectuals of New England, and they often took part (more or less as an intellectual dissipation) in these meetings of agitators. Two of these who became rather deeply involved in Russia and in Mexico were John Reed, a young journalist, a Harvard graduate, and his wife, Alma Reed. They were with Carranza as newspaper correspondents for a considerable period and exercised considerable influence over the coterie which surrounded him in those days and who were the real authors of the Mexican Constitution of 1917. Later on they both went to Russia. John was appointed the first Bolshevik Consul-General from Soviet Russia to New York and attempted to come home in that official capacity during the war. He was, however, interned on landing, later went to Russia, died there, and at one time there was a rough monument to his memory in the public square in Moscow. After his death his wife, Alma, came back to Mexico and became engaged to Filipe Carrillo Puerto, the leader of the Communists in Yucatan, who was killed two years ago in the De la Huerta revolution and to whom monuments are now being erected in Mexico, as the idol of the proletariat.

In France much the same thing was happening. There, however, the revolution in Mexico got its real start in the person of Don Francisco I. Madero, a young scion of a wealthy Mexican family in northern Mexico, who was sent to Paris to study. He became an enthusiastic "parlor Socialist" at first, later a real Socialist. He espoused to the utmost the theories of Karl Marx, whose works he read in French, and came back to Mexico and started the "Madero revolution," with results which are known to the world.

THIS revolution met with a tremendous sympathy in the United States, because it was not realized that the pendulum would swing just as far in the other direction and that the revolution had as its aim the destruction, not only of the existing Government in Mexico, but ultimately both the clergy and capital. In Mexico an anti-capitalistic movement necessarily becomes an anti-foreign movement, because all the capital there is in the country is foreign. All the labor is Mexican, and any clash between labor and capital immediately

assumes an international aspect and patriotism is invoked on the side of labor against the foreign capitalists. As all the Governments in Mexico since the revolutions have started have ridden into power on the platform of the protection and advancement of the rights of the proletariat as against capital, and as all capital is foreign, it is easy to enlist the sympathies of the Government on the side of labor. In fact, their support is pledged in advance.

In the same manner the diplomatic



Keystone

Travelers Along the Path of Civilization

representatives of all foreign Powers in Mexico City are placed in a peculiar position, because the only rights they are ever called upon to protect are the rights of capital as against labor, because those are all the rights of their nationals which there are in the country. The Government of Mexico, which is a labor Government, has appreciated this fact, and it is quite natural that it should attempt to establish rather closer relationships with the labor movement in the United States than with the United States Government, as they naturally feel that the labor party in the United States is closely akin to them, whereas the Government of the United States, through its diplomatic representatives, while representing both capital and labor, is forced by the peculiar exigencies of the case to make all its representations on behalf of capital, because there are no other American interests in Mexico. Likewise the Mexican Ambassador in Washington must make all his representations in the United States on behalf of labor, because there are half a million Mexican laborers in the United States, but no Mexican capital.

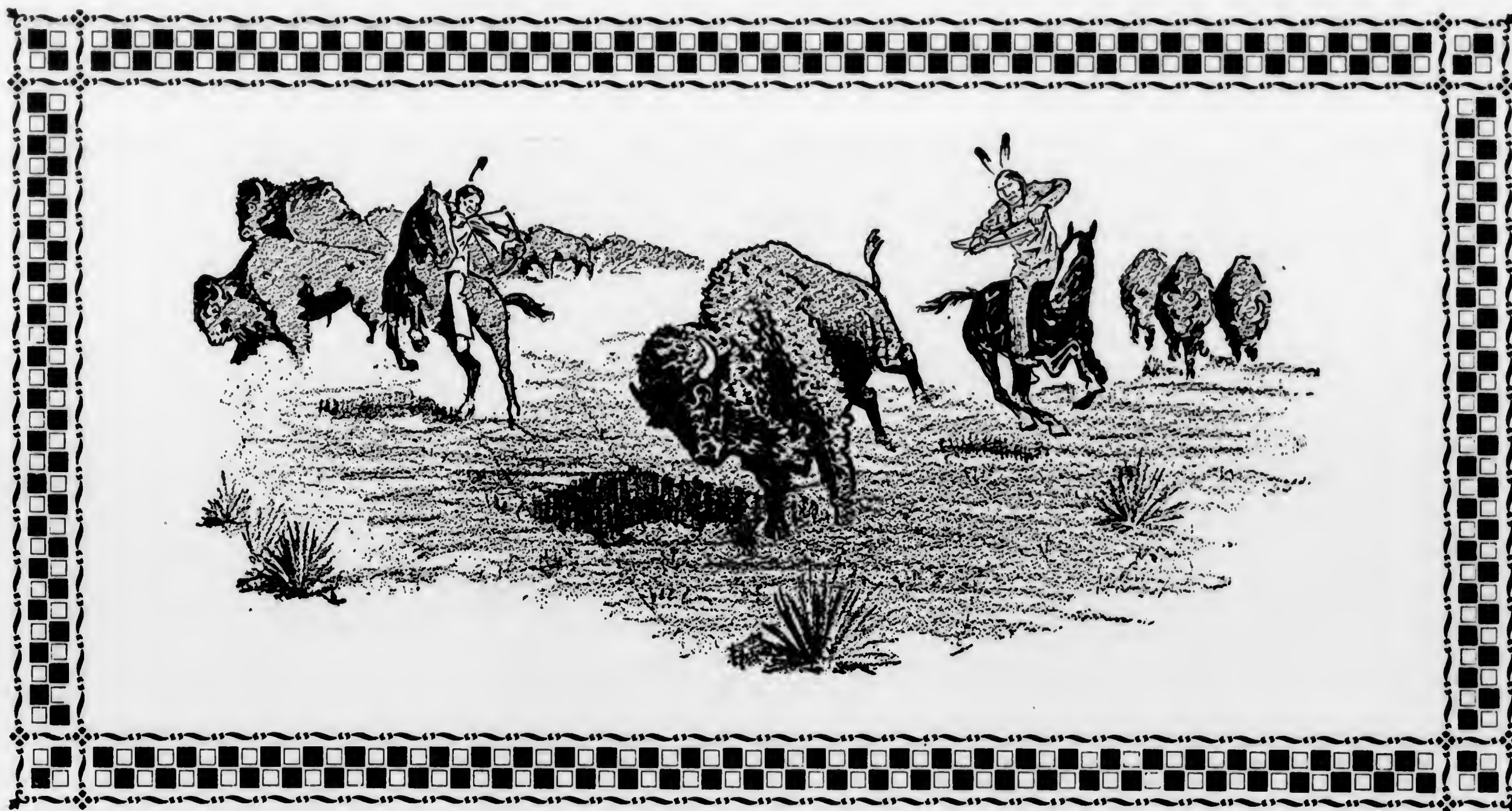
The situation is further complicated by the fact that no capital interests were

represented in the framing of the Constitution of 1917, and no provision was made in that document for the protection of capital as against labor. There was no need of it. There was no Mexican capital to be protected. The framers of the Constitution and their advisers were thoroughly imbued with the spirit of class struggle, of the fight between labor and capital, the poor against the rich, and the proletariat against the aristocrat. The acrimony of this struggle, which is ever present in all countries, is intensified in Mexico by not only racial antagonism but by that vague feeling of resentment and discontent which has been stirred up in the ignorant Indian mind by the smooth-tongued foreign agitator.

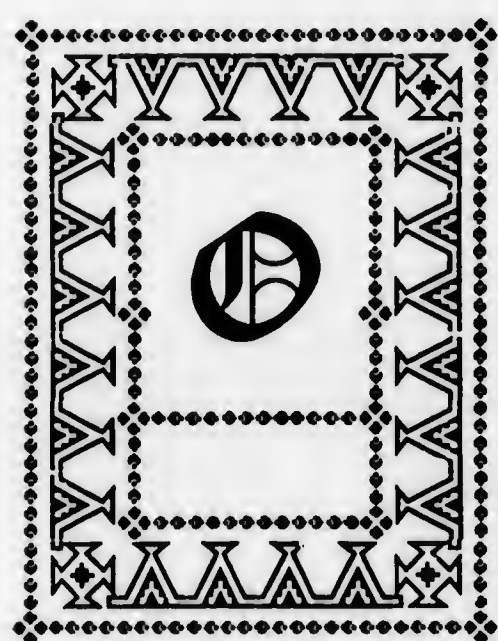
PRESIDENT CALLES has recently made statements which correctly reflect the trend of affairs in Mexico to-day. One is the belief that the great bulk of the ignorant, inert mass of the Indian population of the country who form the working classes can raise themselves up into a strong nation of good citizens, and the other is the idea that the economic preponderance of foreign holdings and wealth in the country must be changed into a Mexican preponderance. With both these ideals one must have all sympathy, but those who have lived years and years in Mexico and have the good of the Mexican people really at heart do not believe that the great bulk of the Indian population can, unaided, raise themselves above their present level. In fact, it is doubtful whether they will ever travel along the path of civilization any farther than they are actually pushed by others.

With regard to changing the preponderance of foreign property into Mexican preponderance, this cannot be done quickly without destroying much of the wealth which has been justly created, for there is not in Mexico sufficient wealth to buy this property. The one-fourth cannot buy the three-fourths. This condition, regrettable as it may be from the Mexican view-point, has been the gradual growth of centuries, and there is no rapid way of changing it without infringing upon the right of private property, upon which our civilization thus far has been erected.

There is only one righteous way in which Mexico can attain that economic independence ardently desired by the President and achieve the salvation of Mexicans as a people, and that is to make the individual Mexican as good, as strong, and as learned a man as the foreigner in his midst.



Tongue River Reservation.



UR sales of western range cattle at Chicago on Monday of this week included seventeen carloads of fine steers from the Tongue River Indian Reservation, Lame Deer, Mont.

These Indian cattle were of notably good quality. One hundred and seventy-eight head were fed hay last winter. The balance, of same age and quality, had not been winter fed, but were in good condition. Four loads brought \$8.95, seven loads \$8.90, and about four loads \$8.50. The first two bunches averaged 1,350 pounds and the latter 1,327 pounds.

The Tongue River Indian Reservation is classed as the best cattle range in the Northwest. The reservation is rough, but much of it is a natural meadow, having numerous springs and small streams.

The fine grass, springs which never go dry or freeze up in winter, and the excellent natural protection from storms make this reservation excellent for stock raising.

There are 1,456 Northern Cheyenne Indians living on the reservation at this time. The nearest railroad station is 55 miles from the agency.

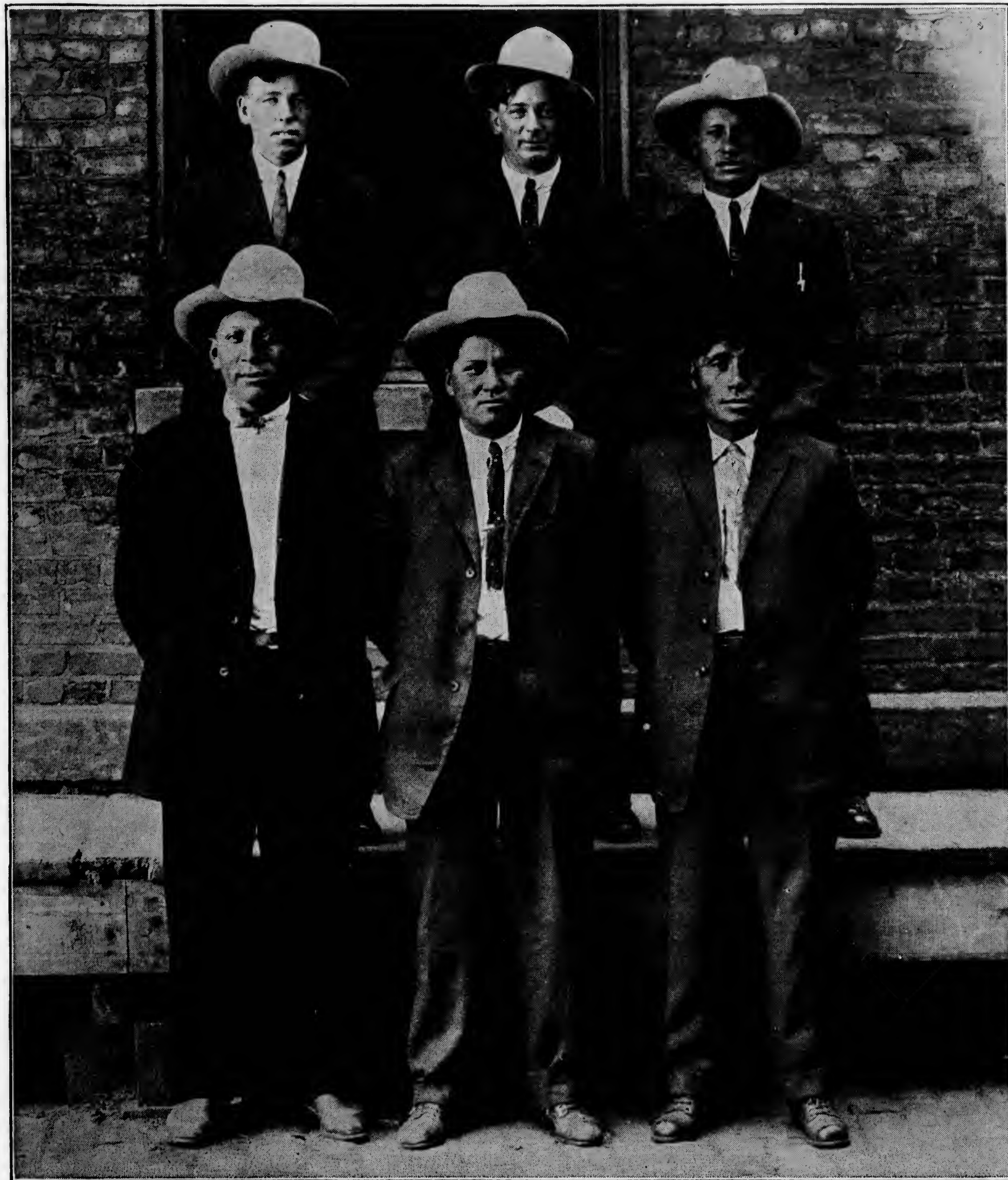
The needy condition of the Indians of this section of the country where the natural resources appear to be so good caused Hon. Cato Sells, Commissioner of Indian Affairs, to visit the reservation in the fall of 1914. Mr. Sells made a complete personal inspection of every part of the reservation. The Commissioner is not only deeply versed in law and the banking business, but is also thoroughly informed upon stock raising and farming activities.

In the narrow fertile valley and on some choice upland, hay, winter wheat, oats, alfalfa, and

Recd. Dec. 6, 1915

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TONGUE RIVER RESERVATION



INDIAN CATTLE MEN FROM TONGUE RIVER RESERVATION, MONTANA

Their names are as follows: George Burns, Charles Kills Night, Pat Spotted Wolf, Deyo Spang, Paul Wolf Name, John Stands-in-Timber.

Courtesy of Clay, Robinson & Co.

TONGUE RIVER RESERVATION

certain garden vegetables produce excellent results. Under the conditions which Mr. Sells found on the reservation, wheat could not be ground into flour, nor the surplus farm products raised by the Indians marketed, for the reason that many of the Indians lived on the reservation 60 or 70 miles from the nearest railroad.

As a result of Mr. Sells's visit to the Tongue River Reservation, the industrial program was completely changed. He immediately authorized the erection of an excellent flour mill which will enable the Indians to have their wheat ground into flour, from which they will secure their bread. In order to provide a market for their surplus hay and other surplus farm products which the Indians could not sell on account of being so far from a railroad, these products were purchased and fed to a large number of weak cattle and 280 head of steers. The surplus was fed to these cattle at a large profit. The result of the experiment of feeding the steers on hay throughout the winter can best be determined by the following comparisons of the prices of steers fed, with the class, age, and grade of steers permitted to run on the range without feed. Average price received for steers fed hay during winter, \$126; average price received for steers of the same age and grade that were not fed hay during the winter, \$108.

While the result of the cattle feeding has been gratifying and profitable to the Indian Department and the Indians, the providing of a market for the surplus farm products has resulted in much more good. The Commissioner's plan has fully demonstrated that stock raising and agricultural pursuits go hand in hand.

The providing of a market for the Indians' surplus farm products and the erection of a flour mill has within the past six months induced the Indians to more than double their farm activities.

Encouraged by the market provided for the sale of their hay, the Indians have recently purchased forty new mowing machines and twenty hay rakes, and are putting forth unusual efforts to harvest a large hay crop.

It is believed by those who are acquainted with the Northern Cheyenne Indians and their country that if the present plan of increasing and feeding their stock is continued and the Government continues to aid them in providing a market for their surplus farm products, their hard times are past and the tribe will soon be rapidly traveling the road to civilization, self-support, and prosperity. The results speak for themselves.—*Clay, Robinson & Co.'s (Chicago) Live Stock Report.*



Vol. 14, No. 4. Oct-Dec. 1912
~~abundant, but with the rapid intrusion of European customs into every~~
quarter of the world they will soon be gone forever. It is thus with
especial gratitude that all students of mankind will always regard the
labors of such men as the late Mr. Gillen, who have seized the opportu-
nities presented by their daily occupations and rescued for posterity an
accurate knowledge of the fast-vanishing customs and beliefs of primitive
peoples.—*Nature*.

Conserving the Indians.—An article by Dr F. G. Speck in the June, 1912, number of *The Southern Workman*, entitled "Conservation for the Indians," is worthy of especial attention. The writer enters a vigorous plea for giving the Indian tribes the fullest opportunity and encouragement in preserving their tribal identity and their cultural status. This plea is made both from the standpoint of the anthropologist, who is eminently interested in the maintenance of culture for purposes of study and record, and much more from the standpoint of a sympathizer with those of other cultural groups which would thus be given the full right of self-development and self-assertion that civilized societies crave for themselves. The author also points out that this would enable them to avoid the misfortunes which our civilization has brought with it and will at the same time secure for them more respect from civilized people than can come from unsuccessfully aping the ways of so-called higher races.

7-5
The Redman-Feb. 1915.

The Battle of Wounded Knee:

By Courtney Ryley Cooper, in the New York Sun.



IT WAS in a South Dakota blizzard that I found him huddled in his flapping tent, far out upon the Sioux Reservation of Pine Ridge. The marks of the warrior were absent, a frayed fur overcoat covered the somewhat undersized form that once had known the dancing bustle and the ghost shirt, and cotton gloves shielded the wrinkled hands which held once the war club and the rifle.

Under the banking of the tent the wind sifted its snow; the old stovepipe rattled; in a corner, huddled and shivering, sat a wrinkled squaw, awaiting in stubborn silence the return of the sun. From a rope at the top of the tent—the tepee of earlier days had vanished—hung a few shreds of jerked beef left from the rations of the agency. It was a home of poverty and of hopelessness, the home of Ta Ta La Slotsla, Short Bull, blamed for a quarter of a century for an Indian war which called forth half the troops of the United States and cost lives by hundreds—the war of the Messiah.

So to explanation. Consult history and there comes the story of a strange, an unknown being who, in 1890, incited the Indians to rebellion; who, in personification of Jesus Christ, gave the promise that once again the prairies should be the happy hunting grounds of the red man, where again would roam the elk, the antelope, and the buffalo, and that the white man would vanish into the eastern seas. Consult history and it tells the story of how the representatives of the Indian tribes from Canada to Oklahoma journeyed to Pyramid Lake, Nev., that they might hear a message of war and hatred; of how the ghost shirt, supposedly impervious to bullets, was fashioned, and particularly of how it was Short Bull of the Sioux who spread the news and brought about the war which followed.

Therefore, it was because of this history that they had told me upon the reservation not to talk to Short Bull. He would say nothing. He would be taciturn. He would be evasive, for what could he say, now that his fabled ghost shirt had been riddled with many an army bullet, now that the white man had built cities where the buffalo were to have grazed, and the Indian braves who were to have driven their enemies into the eastern ocean had lain these twenty-three years in their trenches atop the battlefield of Wounded Knee? No, Short Bull, would be hardly the man to care to talk. And yet—

We entered—Horn Cloud, the interpreter, and myself. There went forth my message, the question of the cause of the war of the Messiah. A smile of greeting from the little man beside the rickety, rattling stove, an outstretching of arms; a cry from the squaw in the corner. The little man in the frayed overcoat had risen, his eyes glistening, his face alight.

"How kola!" he called. "How kola! Was'te—was'tel!"

And there can be no Indian greeting of more friendliness. I tried to answer in what little Sioux I had learned. It was impossible. Short Bull—he who is blamed for a war—was talking excitedly, gesticulating. Horn Cloud turned.

"He says you're the first man who ever asked that," came from the interpreter. "He says to thank you—maybe now he get to tell the truth."

And so there was something wrong with history? I smiled at that, but when I spoke of it to Horn Cloud he smiled also and shook his head. Evidently there was a great deal wrong with history, at least from the standpoint of the man blamed for a war. Evidently—but Short Bull had doffed his coat now and was standing with outstretched arms. His face had grown suddenly serious.

"Ask the white man," came through the interpreter, "whether he comes through friendship or through curiosity. Ask the white man whether he will hear the story of Ta Ta La Slotsla and remember it as he tells it. Ask the white man whether he wants to hear the truth and nothing but the truth from Short Bull—Short Bull who saw the Messiah."

A silence except for the flapping of the tent, the shrill of the wind. I nodded. Short Bull raised his arms.

"Tell white man to forget what he has read in history, for my story is different. Tell him that I deny that I caused the war of the Messiah. Tell him that I preached peace, not war. Tell him"—

And so a new phase of history came forth. There was a conference. Horn Cloud was telling the little man to begin at the beginning. Once again Short Bull raised his arms.

"There was starvation in 1888 and 1889," he said slowly. "The tepees were cold for want of fires. Up on the Rosebud agency where I lived we cried for food, as they did down here at Pine Ridge. The white man had forgotten us. We were going toward the sunset.

"Then, one day—it seemed we all heard it at once—there came a message that the Messiah was soon to come to us. The white man had turned him out, long ago. Now he was coming to the Indian. We danced for joy. The Messiah perhaps would bring us food and warmth and clothing. There was a letter, too, from Red Cloud on Pine Ridge. Red Cloud said, too, that the Messiah was coming and to choose the hard-hearted man of the tribe to meet him. I was that man."

The little Indian swallowed hard and looked at the ground. The interpreter turned.

"He means brave hearted," came the explanation. "How!"

Short Bull heard the command to continue. He folded his hands.

"There were twelve of us, each from a different tribe. One by one we traveled to the head of Wind River and met. The Messiah was in Nevada at Pyramid Lake. Some of us had horses. Others walked. We did not care for fatigue or for hunger. One must suffer to see God. We traveled on. We reached Pyramid Lake. And then—"

"How!"

It was the command of Horn Cloud again. Short Bull smiled the least bit.

"Someway we all knew where he would come and when he would come, at sunset by the great rocks. So we waited. I had not believed. They had taught me in the parish churches not to believe too much. So I stood there and watched and looked here and there to see where he would come from. I looked hard and I rubbed my eyes. He had not come at all. He was there. Just as if he had floated through the air."

Short Bull was biting his lips the least bit. Horn Cloud turned from him and faced me.

"I know how that happen," he explained in his Indian English. "Big rocks—see? The Messiah, he get on a wagon and have it pulled up so it'll be hidden by them rocks. Then he jumps out from behind the rocks like he floats through air—see? Wait!" A moment of Indian gutturals, then a smile from Horn Cloud. "Short Bull he say he go behind rocks next day and see a wagon there."

And so in this little explanation of an Indian interpreter came the first glimpse of the truth about the so-called Messiah—some street

corner orator with a great scheme and with the spirit of the faker to carry it through. The questions went on. Short Bull, looking into the past with all the superstition of the Indian, hesitated and moistened his lips.

"He was the Holy Man. His gown was like fire. It caught the sun rays and sent them back to the west. It glowed like the fire of a feast. It changed colors. All over the robe there were crosses, from his head to his feet. Some of them were in white—some were in red.

"We could not see much, for he looked at us and we were afraid of him. He raised his arms and there seemed to be fire all about him. We fell down and worshipped. And when we raised our heads he was gone."

They had fallen and worshipped, worshipped with all the superstition and all the faith of the Indian race, worshipped a man in a changeable silk robe who had come mysteriously from behind a pair of great rocks by aid of an unseen wagon. But Short Bull was continuing:

"There was a little house by the side of the lake and we went back there. We did not talk much. We were afraid to. The next morning a little white boy came to us and told us his father was ready to see us and talk to us down in the willow grove by the lake. We——"

But I had interrupted.

"His father?"

"The Messiah had a little boy," came from Short Bull. "The little boy said the Messiah was his father."

And so this fanatic of Pyramid Lake had given God a grandson in his masquerade. But the Indians had not doubted it. How could they? It had been many years since the Messiah had been on earth. The Messiah was the son of God; therefore, why not a grandson? And so they went to the willow patch still trusting.

"So we went to the willow patch"—Short Bull was in the past now, his face brightened by a wonderful memory—"and he was there, just as we had seen him the night before. He talked to all of us, but he talked to me the most.

"He came close to me. He laid his hand on my forehead and I thought that fire had gone through me. He held my hands and they turned numb. His hands were hot when they touched me.

When they left me they were cold—cold like the wind outside. Then he talked.

" 'A long time ago,' he said, and he talked slowly as if it hurt to remember, 'I came among the white people. But they did not like me. They sent me away. They crucified me.' "

Short Bull raised his hands and pointed to his palms. He raised his beaded, moccasined feet and pointed there. He bared his breast and patted it above his heart.

"He was the Holy Man," he almost shouted and there was a strange, an awed something in his voice. "I saw. He showed me. Here, and here, and here—where they had nailed him on the crucifix! He was the Holy Man!"

Horn Cloud, educated and somewhat worldly, turned wondering.

"What make that?" he asked.

And there was only one answer—reality, self-imposed torture, such as few men can stand, or the acid burns that are known to every professional faker the world over. But it would have done no good to tell that to Short Bull. Nothing could take away the glamour of the vision. He had seen God. Besides, Short Bull was talking again.

"But after the Holy Man said that he smiled and shook his head. That was a long time ago that the white people did that and now he didn't care. Now he had come back to bring peace.

" 'I have come back,' he said, 'to bring you news. You have fought with the white man. That is wrong. I want you to go back to your tribe and tell them what I have said. You must say that the white man and the Indian shall live in peace. You shall say that the Indian must learn the white man's way and the white man's religion.

" 'There may be trouble. Stamp it out like a prairie fire. They may try to kill you, Short Bull, and even if they should, do not fight back. You must live in peace. Your children must go to the white man's school and your children's children must grow to become the husbands and the wives of the white man and the white woman.

" 'And some day there will be no Indian. There will be no white man. You will all be one, and then will be peace. Listen to me,' he said, 'and listen to each other. I am the Holy Man. I

am the Messiah. Listen to the white man and the white man shall listen to you.

"Do as I say and on earth you will be together—and in heaven you will be together. And then there shall be no nights, no sleeps, no hunger, no cold. You shall be with me!"

And even as he spoke, the words interpreted by jerks and fragments, there was an oratory in the recital of the little man, a resemblance as he quoted to the forms of the Scriptures. He continued:

"'You have come unto me,' the Holy Man said, 'to learn the news. I have told it to you and now you must journey forth to tell it to the others who wait by the tepees. Tell them to be merciful unto each other. Tell them the Father says to do no harm, but to live in peace.'

"And he told this to each one of us. To me he told it in Sioux. He told it to the others in their own language. Could any man but God have done it? There is no man who can talk all the languages. He taught us to dance and he says this is the dance we must perform. He showed us his robe and told us that we should worship him by wearing robes like this. He told us that we must throw away the rifle and the war club.

"'Live in peace,' he said, 'and let the white man live in peace with you.'

"And that was all he said. Pretty soon he was gone and we turned and came home. Yes, that was all."

But history had interfered. History tells a different story of the Messiah—of some one who desired war between the white man and the Indian; of some one who told of the coming back of the happy hunting grounds; of the return of the buffalo and the antelope and the elk, and the fading of the white man from the land. The questions came. But Short Bull only smiled.

"Yes, history say that," he answered, "but history lies. It was not the Messiah—" His face suddenly hardened. His hands clinched. "It was the men who have made us suffer, who have brought the wrinkles to these cheeks and the trembling here!" He held out his hands. His voice rose high. "I went home—and all before me there was singing and happiness. They had heard of the Messiah.

"All down through Pine Ridge they sang and danced, and pretty soon Red Cloud and American Horse and Fast Thunder sent

for me to come home. I knew what they wanted. They wanted war. They did not want to do as the Holy Man said. And so I went. I talked to them and they laughed at me.

"Then they brought me the ghost shirts to bless. I blessed them—and then—then—" the muscles of Short Bull's face were drawn tense—"then they went back to their people and told them I had said that bullets would not pierce the ghost shirts. They went back and told their people I had brought a new message from the Messiah, but that I could not give it directly. They told their people I had said the white man was to be driven out and that there must be war.

"But I did not know then. When I heard it was too late. All through the reservations they were dancing now—and dancing for war—because American Horse and Fast Thunder and Red Cloud wanted war. They had blamed it all on me—and yet I only told what the Messiah had ordered me to tell.

"I begged them to listen to the Holy Man—to hear the news he had sent and live in peace with the white man. I did not want war; I did not want it! The Messiah had told me what to do and I was trying to do it.

"I had told my people we should dance for the Messiah when the grass turned brown, but the police from the agency came out and told me to stop. Then they told me the soldiers were coming. And then Fast Thunder and American Horse and Red Cloud called for me to come to Pine Ridge and fight the white man. But I said 'No! No! The Messiah had said there must be no war.'

"Old Two Strikes moved his camp from the Little White River toward Pine Ridge, but I stayed. The Brules moved from the Rosebud toward Pine Ridge, but still I stayed. I had seen the Holy Man and he had told me to live in peace. Then the young men of the Rosebud came to me and ordered me to follow Two Strikes. I followed.

"They talked to me about cartridges, but I would not help them get them. I did not want war; I wanted to do what the Messiah had told me. We went to the Bad Lands. They told me that now I must fight against the whites. I cried out to them:

"'No! No!'" The little man was striding up and down the narrow space of his tent now. The squaw was wailing in a corner.

"'No!' I keep calling to you; 'you do not hear me. I try to tell you that there shall be no war; you will not listen.

"'You say the white soldiers will kill me? Then they can kill; I will not fight back. Once I was a warrior, once I wore the shield and the war club and the war bonnet; but I have seen the Holy Man. Now is peace; now there shall stay peace.'

"'You chose me as the hard-hearted one to journey to the sunset to see the Messiah. I saw him, and I brought you his message. You would not hear it. You changed it. Now——' He spread his hands and bowed the black haired head 'I am silent.'

There was a long pause. The death song from the old squaw in the corner rose high and shrilling, as shrilling as the wind of the blizzard without. Short Bull folded his hands.

"The next day I saddled my horse. I rode away. I came to the pine hills and looked out in the distance. They were fighting the battle of Wounded Knee. I kept on. They fought the battle of the Missions," he whirled, "and they blame me for it—me, who saw the Holy Man. They were jealous; I was a hard-hearted man, and I was a chief. They did not like me; so they blame me for a war—my own people, my people who had sent me to the sunset that I might talk to Him, the Holy Man!"

So there is the story of Short Bull, whatever history may say. This is the story told me by that wrinkled little heart-broken old Indian who lives in the past, standing there in the willow patch, listening to the message of the Messiah. Who that Messiah was is beyond knowledge! No one knows. Perhaps it was some street corner preacher, with a wonderful idea of bringing permanent peace between the Indian and the white, who, instead, through the treachery of the Indians themselves, brought on a war. Perhaps—but in the tattered tent in South Dakota, where the blizzard rattled the rickety stovepipe and the old squaw in the corner wailed and thrilled, there was one who knew, one who was certain and who will always be certain—the man who saw God.



" 'No!' I keep calling to you; 'you do not hear me. I try to tell you that there shall be no war; you will not listen.

" 'You say the white soldiers will kill me? Then they can kill; I will not fight back. Once I was a warrior, once I wore the shield and the war club and the war bonnet; but I have seen the Holy Man. Now is peace; now there shall stay peace.'

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An Indian Story of the Lincoln Highway

By The REV. FRANCIS FRAIZER

*Pastor of the Sioux Indian Congregation
Church of Santee, Nebraska*

This is a story of the wild days on the American frontier when red men and white men met on the trail which is now part of the Lincoln Highway, and fought to the death because of a lame cow. The Indian church, over which the author of this article presides, was founded by his father, the late Rev. Artemas Ehnamani, shortly after Abraham Lincoln pardoned him for his part in the Sioux Outbreak of 1862.

What is now known as the Lincoln Highway crosses Nebraska over the trail made by the Indians before American history began. The broad smooth valley of the Platte river formed a natural road from the Missouri to the Rocky Mountains. The Indian trail along the Platte was traveled by the first white—explorers, trappers and traders—who pushed beyond the frontier settlements in the early part of the last century. This route was the main one followed by the host of gold seekers on their way to California in 1849.

About the time of the beginning of the gold rush, the United States Government built a fort on the Platte river where the flourishing city of Kearney, Nebraska, now stands. Federal cavalry was stationed at the fort for the protection of travelers. Those were wild days and outlaws found unprotected immigrants easy prey.

There came along one day a company of immigrants with a large drove of cattle. Near what is now the outskirts of Kearney, one of the cows went lame and had to be abandoned. Soon afterwards a band of Indians happened by and found the lame cow. Knowing that the cow would be slaughtered and eaten by wolves, if left on the trail, the Indians killed the animal and ate it themselves.

In the midst of the feast, a United States cavalry troop came tearing down the trail from Fort Kearney. The officer in command curtly demanded the surrender of the Indian who had killed the cow. The leader of the Indians replied that his band supposed they were doing no harm in butchering a cow that could not travel and had been left to perish on the road.

Just then the officer caught sight of an Indian whom he supposed had killed the cow, and, fool that he was, immediately shot the Indian, without further parley.

Instantly there was an "Indian uprising" of vengeance. The soldiers fled towards the fort with Indians in hot pursuit. The fight raged along the trail for miles, and but very few, if any, of the cavalry troop reached Fort Kearney alive.

For years afterwards those Indians attacked all white travelers along that trail, and when the Union Pacific railroad was built they tore up the track and wrecked the trains.

Thus the lives of many whites were lost and much property destroyed because one hot-headed cavalry officer had neither judgment nor tact nor common sense.

If you go the Pine Ridge or Rosebud reservations, a few old Indians now living there will tell you this story in speaking of the early days when the whites first moved westward across the Nebraska prairies.

But the last seventy years have wrought great changes, and today what was once a trail, blood-stained and worn by the advance guard of a new nation, is one of the greatest national roads in the world—the Lincoln Highway. For more than 461 miles, this road extends in the State of Nebraska, and this is only a part of its great trans-continental length. Today the pleasure-seeker tours in his automobile over the same ground that early white settler and immigrant knew as a trail though the wilderness.

But few tourists know that when they motor along the Lincoln Highway near Kearney, Nebraska, they are passing the scene of the "lame cow" fight, where the brutal action of a white man brought down the vengeance of an outraged Indian tribe.

the poverty-stricken Pueblos of Zuni. In the summer he sent westward an exploring party, headed by Don Pedro de Tovar.

Though the very name of the tribe, "Hopitu," means "Peaceful People," the Spanish chronicles of their land known as the Province of Tusayan, showed that of all southwestern Indians they have resisted encroachment most, and have, till very lately, generally refused the ministrations of Christian teachers. About the time of the Spaniards' coming they transferred their habitations to the mesa tops, whereon they now live in a half dozen villages to which the women pack water up steep and rocky trails.

Today the villages have a population approximating 2,000 individuals, with many sheep and ponies and with corn fields and orchards that are tended with scrupulous care. They have their own reservation of 2,472,300 acres within the Navajo Indian reserve of Northeastern Arizona. Their boys and girls have been sent for years to a big Indian school at Phoenix and have returned with ideas that have served to bring a better understanding of life's responsibilities and comforts. Few of the younger Indians have failed to acquire a good knowledge of English. Many of the tribesmen have gone forth into the world and have taken places along-side the white men, respected and esteemed for good qualities.

Many, again, are in the navy and army, the former service preferred. Yet at home the time-honored customs prevail, the centuries passing them by. There may be cook stoves in some of the kitchens and even sewing machines, yet the ideals of the tribe are those of yesterday—and in that lies the special charm and distinction of the tribe.
—*Christian Science Monitor.*

THE FLAG STILL THERE

Above the heads of a hundred million people to whom it is the symbol of a fine national life and spirit, it waves today as if unconscious or scornful of the human insects that hate it or the larger creatures who misunderstand it or willfully misinterpret it for their own end.

It has seen more excitement and has been through more perils than any other ensign. It has traveled with the sword east beyond the Rhine and west to the Chinese wall. It has always come back clean and unbeaten, to keep its place in the continent for which it sprang into life. In war it is entwined, if need be, with other banners of right; in peace it must fly alone. If any man wants it for his flag, there is room for him underneath its folds. It can cover only one nation, for only the men and women who come here to live in its shadow can understand it: and if any cannot or will not understand this emblem of liberty and justice, of wholesome ambition, then his place is elsewhere. The flag is bigger than any individual, cult or philosophy.—*New York Sun.*

PATTERN FOR YOUNG AMERICANS

Here is a description of an American that all boys and girls may make themselves fit into:

1. An American must love liberty.
2. He must know how to use his hands and his brain.
3. He must master the English language.
4. He must honor the United States above all other countries.
5. He must serve his country every day.

No matter whether you were born in America or in Europe—if these sentences describe you, you are really an American.—*Booth Tarkington, in "My Country."*

Outlook - Jan. 7, 1911.

THE INDIAN AND THE MORAL CODE

BY CHARLES A. EASTMAN¹

LONG before I ever heard of Christ or saw a white man I had learned from an untutored woman the essence of morality. With the help of dear Nature herself, she taught me things simple but of mighty import. I knew God. I perceived what goodness is. I saw and loved what is really beautiful. Civilization has not taught me anything better.

As a child I understood how to give; I have forgotten that grace since I became civilized. I lived the natural life, whereas I now live the artificial. Any pretty pebble was valuable to me then, every growing tree an object of reverence. Now I worship with the white man before a painted landscape whose value is estimated in dollars. Thus the Indian is reconstructed, as the natural rocks are ground to powder and made into artificial blocks which may be built into the walls of modern society.

The first American mingled with his pride a singular humility. Spiritual arrogance was foreign to his nature and teaching. He has never claimed that the power of articulate speech was proof of superiority over the dumb creation; on the other hand, it is to him a perilous gift. He believes profoundly in silence—the sign of a perfect equilibrium. Silence is the absolute poise or balance of body, mind, and spirit. The man who preserves his selfhood ever calm and unshaken by the storms of existence—not a leaf, as it were, astir on the tree, not a ripple upon the shining pool—his, in the mind of the savage sage, is the ideal attitude and conduct of life.

If you ask him, "What is silence?" he will answer, "It is the Great Mystery. The holy silence is His voice." If you ask, "What are the fruits of silence?" he will say, "They are self-control, true courage or endurance, patience, dignity, and reverence. Silence is the cornerstone of character."

"Guard your tongue in youth," said the

old chief Wabashaw, "and in age you may mature a thought which will be of service to your people."

The moment that man conceived of a perfect body, supple, symmetrical, graceful, and enduring, in that moment he had laid the foundation of a moral life. No man can hope to maintain such a temple of the spirit beyond the period of adolescence unless he is able to curb his indulgence in the pleasures of the senses. Upon this truth the Indian built a rigid system of physical training, a social and moral code that was the law of his life.

There was aroused in him as a child a high ideal of manly strength and beauty, the attainment of which must depend upon strict temperance in eating and in the sexual relation, together with severe and persistent exercise. He desired to be a worthy link in the generations, and that he might not destroy by his weakness that vigor and purity of blood which had been achieved at the cost of much self-denial by a long line of ancestors.

He was required to fast from time to time for short periods, and to work off his superfluous energy by means of hard running, swimming, and the vapor bath.

Personal modesty was early cultivated as a safeguard, together with a strong self-respect and pride of family and race. This was accomplished in part by keeping the child ever before the public eye, from his birth onward. His entrance into the world, especially in the case of the first-born, was often publicly announced by the herald, accompanied by a distribution of presents to the old and needy. The same thing occurred when he took his first step, when his ears were pierced, and when he shot his first game, so that his childish exploits and progress were known to the whole clan as to a larger family, and he grew into manhood with the saving sense of a reputation to sustain.

The youth was encouraged to enlist early in the public service, and to develop a wholesome ambition for the honors of a leader and feast-maker, which can never be his unless he is truthful and generous, as well as brave, and ever mindful of his

¹ As many of our readers know, Dr. Eastman is a Sioux Indian; his tribal name is Ohiyesa.—THE EDITORS.

reduced the price of the product to the consumer.

There is no reason why scientific management should not be applied equally well to a private corporation, to a co-operative, profit-sharing concern, and to such a socialistic institution as the Post-Office. To the question whether the tool-users shall be the tool-owners or not, scientific management has nothing to say. As a matter of fact, with industrial conditions as they are at present, it has been proved that under scientific management it is better for all tools (small tools as well as machinery) in the same concern to be under one control, and that virtually means under one ownership. This might be the joint ownership of capitalist and workers. If the machinery belongs to a corporation or a firm, the small tools should not be left to the ownership of the workmen, but should be a part of the concern's equipment. If the machinery is collectively owned, so should be the small tools. The one thing essential, however, is that the management should have the authority to apply to the selection of the tools the same scientific process that they should apply to all other elements in the direction of the industry.

From what I have said I hope it is clear that scientific management involves the acceptance of the following four principles: First, the planning department, with its various functions assigned to different agents, should be in full control of every part of the organism, determining exactly, and ordering by means of drafted directions, not only what the product shall be, but how the processes shall be carried on. Second, to this end, the planning department must adhere to the laws of science (the science of the laboratory) in studying and deciding upon all

the elements in the common enterprise, including in these elements not only things and their properties but also men and their ways. Third, necessarily, therefore, the planning department must abandon the practice of classifying men according to the labels they wear, and instead must proceed scientifically in the selection of the workers and in the assignment of them to their tasks. Fourth, the planning department must adopt such a system of distributing responsibility and compensation as will make authority coincident with knowledge and apportion reward according to service rendered.¹ Whatever management is based on these four principles may fairly be called scientific. It is of minor consequence what devices or what system it adopts to make those principles effective.

As has been said, scientific management cannot be "bought and delivered in a box;" but when it is once installed, it will bring results that cannot be achieved by a merely born manager. If a man wants to practice medicine, it is well if he is a "born doctor," but nowadays it is not sufficient; it is not even necessary. So it will some day be with the manager. It is my conviction that Humpty Dumpty will have a great fall.

¹ I have here set down these principles in the order in which I have developed them in the course of the discussion. Mr. F. W. Taylor, the acknowledged chief authority on the subject of scientific management, puts them in a different order and in different terms, as follows:

"1st. The development of a science in place of 'rule of thumb' for each element of the work.

"2d. The scientific selection and training of the workman.

"3d. The bringing of science and the scientifically trained workman together, through the co-operation of the management with the man.

"4th. An almost equal division of the work and the responsibility between the management and the workmen, the management taking over all work for which they are better fitted than the workmen, while in the past almost all of the work, and the greater part of the responsibility, were thrown upon the workmen."

personal chastity and honor. There were many ceremonial customs which had a distinct moral influence; the woman was rigidly secluded at certain periods, and the young husband was forbidden to approach his own wife when preparing for war or for any religious event. The public or tribal position of the Indian is entirely dependent upon his private virtue, and he is never permitted to forget that he does not live to himself alone, but to his tribe and his clan. Thus habits of perfect self-control were early established, and there were no unnatural conditions or complex temptations to beset him, until he was met and overthrown by a stronger race.

To keep the young men and young women strictly to their honor, there were observed among us, within my own recollection, certain annual ceremonies of a semi-religious nature. One of the most impressive of these was the sacred "Feast of Virgins," which, when given for the first time, was equivalent to a public announcement of a young girl's arrival at a marriageable age. The herald, making the rounds of the teepee village, would publish the feast something after this fashion:

"Pretty Weasel-woman, the daughter of Brave Bear, will kindle her first maidens' fire to-morrow. All ye who have never yielded to the pleading of man, who have not destroyed your innocence, you alone are invited to proclaim anew before the Sun and the Earth, before your companions and in the sight of the Great Mystery, the chastity and purity of your maidenhood. Come ye, all who have not known man!"

The whole village was at once aroused to the interest of the coming event, which was considered next to the Sun Dance and the Grand Medicine Dance in public importance. It always took place in mid-summer, when a number of different clans were gathered together for the summer festivities, and was held in the center of the great circular encampment.

Here two circles were described, one within the other, about a rudely heart-shaped rock which was touched with red paint, and upon either side of the rock there were thrust into the ground a knife and two arrows. The inner circle was for the maidens, and the outer one for their

grandmothers or chaperons, who were supposed to have passed the climacteric. Upon the outskirts of the feast there was a great public gathering, in which order was kept by certain warriors of highest reputation. Any man among the spectators might approach and challenge any young woman whom he knew to be unworthy; but if the accuser failed to prove his charge, the warriors were accustomed to punish him severely.

Each girl in turn approached the sacred rock and laid her hand upon it with all solemnity. This was her religious declaration of her purity, her vow to remain so until her marriage. If she should ever violate the maidens' oath, then welcome that keen knife and those sharp arrows!

Our maidens were ambitious to attend a number of these feasts before marriage; and it sometimes happened that a girl was compelled to give one on account of gossip about her conduct. Then it was in the nature of a challenge to the scandal-mongers to prove their words. A similar feast was sometimes made by the young men, for whom the rules were even more strict, since no young man might attend this feast who had so much as spoken of love to a maiden. It was considered a high honor among us to have won some distinction in war and the chase, and, above all, to have been invited to a seat in the council, before one had "spoken" to any girl save his own sister.

It was our belief that the love of possessions is a weakness to be overcome. Its appeal is to the material part, and, if allowed its way, it will in time disturb the spiritual balance of the man. Therefore the child must early learn the beauty of generosity. He is taught to give what he prizes most, and that he may taste the happiness of giving, he is made at an early age the family almoner. If a child is inclined to be grasping, or to cling to any of his little possessions, legends are related to him telling of the contempt and disgrace that fall upon the ungenerous and mean man.

Public giving is a part of every important ceremony. It properly belongs to the celebration of birth, marriage, and death, and whenever it is desired to do special honor to any person or event.

Upon such occasions it is common to give to the point of utter impoverishment. The Indian in his simplicity literally gives away all that he has to relatives, to guests of another tribe or clan, but, above all, to the poor and the aged, from whom he can hope for no return. Finally, the gift to the "Great Mystery," the religious offering, may be of little value in itself, but to the giver's own thought it should carry the meaning and reward of true sacrifice.

Orphans and the aged are invariably cared for, not only by their next of kin, but by the whole clan. It is the loving parent's pride to have his daughters visit the unfortunate and the helpless, carry them food, comb their hair, and mend their garments. The name "Wenonah," or Eldest Daughter, distinctly implies all this, and a girl who failed in her charitable duties was held to be unworthy of the name.

The man who is a skillful hunter, and whose wife is alive to her opportunities, makes many feasts, to which he is careful to invite the older men of his clan, recognizing that they have outlived their period of greatest activity, and now love nothing so well as to eat in good company and to live over the past. The old men, for their part, do their best to requite his liberality with a little speech, in which they are apt to relate the brave and generous deeds of their host's ancestors, finally congratulating him upon being a worthy successor of an honorable line. Thus his reputation is won as a hunter and a feast-maker, and almost as famous in his way as the great warrior is he who has a recognized name and standing as a "man of peace."

The true Indian sets no price upon either his property or his labor. His generosity is limited only by his strength and ability. He regards it as an honor to be selected for a difficult or dangerous service, and would think it shame to ask for any reward, saying rather, "Let him whom I serve express his thanks according to his own bringing up and his sense of honor."

Nevertheless, he recognizes rights in property. To steal from one of his own tribe would be indeed a disgrace, and, if discovered, the name of "Mamanon," or

Thief, is fixed upon him forever as an unalterable stigma. The only exception to the rule is in the case of food, which is always free to the hungry if there is none by to offer it. Other protection than the moral law there could not be in an Indian community, where there were neither locks nor doors, and where everything was open and of easy access to all comers.

The property of the enemy is spoil of war, and it is always allowable to confiscate it if possible. However, in the old days there was not much plunder. Before the coming of the white man there was, in fact, little temptation or opportunity to despoil the enemy; but in modern times the practice of "stealing horses" from hostile tribes has become common, and is thought far from dishonorable.

Warfare we regarded as an institution of the "Great Mystery"—an organized tournament or trial of courage and skill, with elaborate rules and "counts" for the coveted honor of the eagle feather. It was held to develop the quality of manliness, and its motive was chivalric or patriotic, but never the desire for territorial aggrandizement or the overthrow of a brother nation. It was common in early times for a battle or skirmish to last all day, with great display of daring and horsemanship, but with scarcely more killed and wounded than may be carried from the field during a university game of football.

The slayer of a man in battle was supposed to mourn for thirty days, blackening his face and loosening his hair according to the custom. He, of course, considered it no sin to take the life of an enemy, and this ceremonial mourning was a sign of reverence for the departed spirit. The killing in war of non-combatants, as women and children, is partly explained by the fact that in savage life the woman without husband or protector is in pitiable case, and it was supposed that the spirit of the warrior would be better content if no widow and orphans were left to suffer want as well as to weep.

A scalp might originally be taken by the leader of the war-party only, and at that period no other mutilation was practiced. It was a small lock not more than two inches square, which was carried only during the thirty days' celebration of a

victory, and afterward given religious burial. Wanton cruelties and the more barbarous customs of war were greatly intensified with the coming of the white man, who brought with him fiery liquor and deadly weapons, aroused the Indian's worst passions, provoked in him revenge and cupidity, and even offered bounties for the scalps of innocent men, women, and children.

Murder within the tribe was a grave offense, to be atoned for as the council might decree, and it often happened that the slayer was called upon to pay the penalty with his own life. He made no attempt to escape or to evade justice. That the crime was committed in the depths of the forest or at dead of night, witnessed by no human eye, made no difference to his mind. He was thoroughly convinced that all is known to the "Great Mystery," and hence did not hesitate to give himself up, to stand his trial by the old and wise men of the victim's clan. His own family and clan might by no means attempt to excuse or to defend him, but his judges took all the known circumstances into consideration, and if it appeared that he slew in self-defense, or that the provocation was severe, he might be set free after a thirty days' period of mourning in solitude. Otherwise the murdered man's next of kin were authorized to take his life; and if they refrained from doing so, as often happened, he remained an outcast from the clan. A willful murder was a rare occurrence before the days of whisky and drunken rows, for we were not a violent or a quarrelsome people.

It is well remembered that Crow Dog, who killed the Sioux chief Spotted Tail in 1881, calmly surrendered himself and was tried and convicted by the courts in South Dakota. After his conviction he was permitted remarkable liberty in prison, such as perhaps no white man has ever received when under sentence of death.

The cause of his act was a solemn commission received from his people, nearly thirty years earlier, at the time that Spotted Tail usurped the chieftainship by the aid of the military, whom he had supported. Crow Dog was under a vow to slay the chief in case he ever betrayed or disgraced the name of the Brulé Sioux.

There is no doubt that Spotted Tail had committed crimes both public and private, having been guilty of misuse of office as well as of gross offenses against morality, and therefore his death was not a matter of private vengeance, but of national retribution.

A few days before Crow Dog was to be executed he asked permission to visit his home and say farewell to his wife and twin boys, then nine or ten years old. Strange to say, the request was granted, and the condemned man sent home under escort of the deputy sheriff, who remained at the Indian Agency, merely telling his prisoner to report there on the following day. When he did not appear at the time set, the sheriff despatched the Indian police after him. They did not find him, and his wife simply said that Crow Dog had desired to ride alone to the prison, and would reach there on the day appointed. All doubt was removed next day by a telegram from Rapid City, two hundred miles distant, saying, "Crow Dog has just reported here."

The incident drew public attention to the Indian murderer, with the unexpected result that the case was reopened, and Crow Dog acquitted. He still lives, a well-preserved man of about seventy-five years, and is much respected among his own people.

It is said that in the very early days lying was a capital offense among us. Believing that the deliberate liar is capable of committing any crime behind the screen of cowardly untruth and double dealing, the destroyer of mutual confidence was summarily put to death, that the evil might go no further.

Even the worst enemies of the Indian, those who accuse him of treachery, blood-thirstiness, cruelty, and lust, have not denied his courage, but in their minds it is a courage that is ignorant, brutal, and fantastic. His own conception of bravery makes of it a high moral virtue, for to him it consists not so much in aggressive self-assertion as in absolute self-control. The truly brave man, we contend, yields neither to fear nor anger, desire nor agony; he is at all times master of himself; his courage rises to the heights of chivalry, patriotism, and real heroism.

"Let neither cold, hunger, nor pain,

nor the fear of them, neither the bristling teeth of danger nor the very jaws of death itself, prevent you from doing a good deed," said an old chief to a scout who

was about to seek the buffalo in mid-winter for the relief of a starving people. This was his childlike conception of courage.

THREE-CENT LUNCHEONS FOR SCHOOL-CHILDREN

BY OLIVIA HOWARD DUNBAR

A LONG-DEBATED issue was settled at a meeting of the Board of Education of New York City held on November 23, 1910, when the plan of furnishing three-cent luncheons to the public school children of New York was officially declared successful. At this meeting it was voted that the equipment for cooking and serving luncheons be installed in three additional school buildings—School 107, at 272 West Tenth Street; School 92, at Broome and Ridge Streets; and School 120, at 187 Broome Street. The system was already in working order in School 21, in Mott Street. Without doubt it will now be indefinitely extended.

Behind this victory lie two years of hard work and thorough experimentation. Because it is well managed, the scheme appears to be a simple one; but it has been elaborately worked out, and rests upon an unusually solid foundation of common sense and experience. Furthermore, it is the achievement of one able and disinterested woman, Miss Mabel Kittredge, who is already well known through her Association of Practical Housekeeping Centers, with its "model flats," or tenement-house object-lessons, and who in this later enterprise has been faithfully assisted by Mrs. Ernest Poole, wife of the writer and sociologist, and by Mrs. Benjamin Whittaker. These three women now comprise the New York School Lunch Committee, of which Miss Kittredge is Chairman.

Everybody can grasp the fact that a school-child, especially one that is already under-nourished, needs a midday meal. But not everybody knows that there are comparatively few children who can take

for granted the daily supplying of this need; only that small percentage, in fact, who come from comfortable, well-ordered homes. A table spread with a substantial luncheon does not automatically appear at a stated time in the homes of the poor, even when the mothers spend their days at home; and however the well-fed citizen may picture it, this pleasant miracle is still less likely to occur in the many homes where both parents are engaged in outside employment. There are therefore thousands of children who can at the utmost gain nothing but dubious scraps by going to their homes at midday. If, on the other hand, they are supplied by their parents with a few pennies to buy food for themselves at noon, their purchase is practically sure to include rankly unwholesome pastry, tea, coffee, or something worse than these.

But the primary need of a child is to be physically nourished, and a teacher who knows that his pupil is hungry must have very little heart for enforcing mental discipline. Many teachers have, of course, felt this and expressed it, with the result that the proposition to supply school-children with free luncheons was several years ago repeatedly brought up for discussion. It was decided, however, that to furnish food where it was not asked for was not a legitimate municipal function. The old cry of pauperizing the poor was sounded. And officially the matter dropped.

Then Miss Mabel Kittredge, made confident by her long experience in practical domestic economy, petitioned the Board of Education to allow her to try an experiment in one school building. The privi-

WRONGS OF NEZ PERCES

Crime of Civilized White Man Against Indians.

LANDS STOLEN FROM THEM

Chief Joseph's Masterly Campaign in Evading Humiliation.

SURRENDER MADE TO MILES

Monument to Him Erected on Grave Chosen Before Death—Passed Away Crushed in Spirit.

BY WILLIAM E. CURTIS.
Special Correspondence of The Star and the
Chicago Record-Herald.

JOSEPH, Oregon, September 1, 1909.

The beautiful Wallowa valley was the home and hunting ground of the Nez Perces Indians from the beginning of time. Their refusal to relinquish it to covetous white invaders was the cause of the war of 1877, perhaps the most inexcusable wrong ever committed by a Christian nation upon a savage race.

The town of Joseph occupies the ancestral home of Chief Joseph. It was named in his honor by Mr. McCully, its founder. Mr. McCully is still the most prominent and influential citizen of the place.

The town of Wallowa occupies the valley where Joseph wanted 2,000 acres reserved for his family, but the government robbed him of it and sold it for \$1.25 an acre to white settlers in 1877. The ancestors of Chief Joseph selected that location for their homes because of the climate, the nutritious grass for their ponies, the abundant game upon the mountain sides and the salmon that every spring forced their way up from the ocean via the Columbia and Snake rivers.

The ancestral burying ground remains undisturbed, and the graves of old Joseph, father of the famous chief, and others of his ancestors are protected by picket fences painted white.

Fortunately, the ghosts of Indians do not walk, and there is nothing to remind the white population of the wrongs they and the government have committed.

Friendship of Nez Perces.

Lewis and Clark found the Nez Perces occupying the territory between the Salmon and Pelouse rivers and west of the Bitter Root mountains in 1806, and were kindly received by them. This had been their home from time immemorial.

In 1855 they ceded to the United States a part of the territory without objection. In 1860 gold was discovered upon that portion which had been reserved for them, and with their consent it was opened to "the whites in common with the Indians for mining purposes." These concessions were acts of friendship.

But the white invasion was so great that in 1863 the government attempted to persuade the Indians to relinquish the Wallowa, the Alpowa and the Salmon River valleys. Certain minor chiefs were bribed to sign the treaty. Joseph, the principal chief; Looking Glass, Big Thunder, White Bird and others refused to alienate their ancestral homes or be bound by the signatures of their subordinates.

However, the government accepted the signatures of the minor chiefs as binding upon the whole tribe, and referred to the principal chiefs and their followers, who composed the greater part of the nation, as "non-treaty Nez Perces."

This condition of affairs continued for thirteen years, until 1876, when the danger of a conflict between aggressive white settlers and the Indians, who were defending their homes, became so acute that a commission was sent to arrange a permanent settlement.

dians. They lived peaceful, industrious lives, were more free from vice and superstition than any other tribe, were friendly to the whites and always loyal to the government.

In looking over a history of Oregon the other day I noticed the following paragraph, referring to the Indian outbreak in 1857:

"And now, though no battle was to be fought on Walla Walla soil, it was the outfitting point for the most remarkable disaster in the history of the territory; one which, if it had not been for the ever faithful Nez Perces, would have probably anticipated the Custer massacre in completeness and horror."

"To hold the Walla Walla country seemed to the governor the key of the situation, because thus only could he come in touch with the faithful Nez Perces. He resolved to hold another great council of the friendly and neutral tribes and to get as many as possible of the hostiles to attend the same."

The writer then describes a great council at Walla Walla, and says: "On every day of the council but the first, Indians armed to the teeth took places near the governor with the evident desire of murdering him. But the faithful Nez Perces protected him, kept their drums beating all night and always maintained a guard around Stevens' camp."

"As remarked before, the debt of gratitude to these Nez Perces is beyond computation. One of the remarkable features of the council was the speech of Spotted Eagle, a Nez Perce, one of the warm adherents of the whites. Gov. Stevens afterward mentioned this speech as one which, for feeling, courage and truth, he had never seen surpassed."

And the white settlers rewarded this fidelity by driving the Nez Perces from their homes and robbing them of their lands.

Efforts to Regain Lands.

Chief Joseph clung to the hope that he might some day return to his old home with his people. The government which had stolen the land from him made two or three feeble efforts to negotiate with the settlers to sell it back to him, but the price was \$60 an acre, and that was considered too much to pay in restitution.

In August, 1890, he came to the valley and asked for a meeting with the white citizens to whom he made a pathetic appeal for a section of 640 acres adjoining this town, which was named in his honor, and 2,000 acres farther down the valley where his tribe were in the habit of pasturing their ponies for centuries. The people sneered and scoffed at him, and treated the appeal as a joke.

That a white Christian should be expected to return stolen property to a pagan Indian appealed to their sense of humor. And Joseph went back to the reservation to die.

When Joseph paid a visit to Washington he was received with great consideration because of his military reputation and the injustice that had been suffered by his tribe. It was admitted by all that his masterly campaign had been conducted nearer the standards of civilization than had ever been known in Indian warfare.

During his march of 1,400 miles he bought and paid for the cattle and other supplies he confiscated on the way; he spared hundreds of lives which other Indians, and probably white men, would have sacrificed; he destroyed no private property except where it was absolutely necessary for self-defense. Furthermore, every intelligent citizen, outside of the settlers on the coveted territory, and a few politicians, sympathized with him and his people.

Everybody conceded that the Indians were in the right, but realized that it was the last desperate stand of the aborigine against the invasion of the superior race. Even Joseph admitted that there was no hope for the red man.

Monument to Joseph.

A monument to Joseph, erected by the State Historical Society of Washington, over his grave at Nespelem, a village on the Colville Indian reservation on the north bank of the Columbia river in Okanogan county, Washington, and about thirty miles northwest of Spokane, was dedicated June 20, 1905, in the presence of four or five hundred warriors and about one hundred white people.

An address was delivered by Albert Waters, an educated Nez Perce, who had been elected chief of the tribe a few weeks previous. Yellow Bull, the son of Joseph, and the hereditary chief of the tribe, also spoke, and created a profound impression.

"Joseph is dead," he said, in conclusion. "But his words are not dead. His words will live forever. This monument

The report of this commission, published with that of the Secretary of the Interior for the year 1877, represents that the Nez Perces were mentally and morally far above the average Indian; that they had been converted to the Christian faith by pioneer Catholic missionaries, and were the most civilized of all the tribes. They lived in cabins, had herds of cattle and ponies, and cultivated a considerable area of the soil.

They steadfastly declined to part with their homes, and expressed the hope that the government would permit them to remain in possession of the graves of their fathers.

Ejectment Is Enforced.

The commission nevertheless recommended that the treaty of 1863, signed only by the minor chiefs, should be enforced by the military. Gen. O. O. Howard, commanding the Department of the Columbia, was instructed by President Hayes to remove all the Nez Perces families to a reservation which had been selected for them near Spokane.

In other words, the government decided to forcibly evict the only loyal and friendly tribe of all the Indians in the northwestern section of the country, drive them at the point of the bayonet into a strange country and sell their homes and farms and ranges and the cemeteries in which their ancestors are buried to white settlers for \$1.25 an acre. If this crime had been committed by Russia or China or any other power, the President of the United States would have entered a solemn protest in the name of Christian civilization.

For a time it seemed as if the Indians would submit. Perhaps they might have done so but for an unfortunate collision between two white men who were hunting lost horses and a Nez Perce, whom they accused of stealing them.

The Indian was brutally killed. The white men were tried for murder and acquitted, although the evidence against them was conclusive.

The whites raised an outcry that the Indians must go. Chief Joseph, in despair, decided to seek an asylum in Canada.

Joseph's Masterly Campaign.

Gen. Miles has frequently expressed the opinion that Joseph was the ablest strategist of the Indian race from the time of King Philip to the present day. Everybody admits that in the long campaign in the summer of 1877 he out-fought, outmarched and outmaneuvered Gen. Howard and Gen. Gibbon, and was finally overcome only because his animals and his supplies were exhausted.

Rather than submit to the humiliation of being forcibly removed from his home in the Wallowa valley to a distant reservation, as the Pottowattamies were removed from Indiana to Indian Territory half a century before, Chief Joseph and his little band, chiefly his own family and relatives, began their famous march through Lolo pass and the Yellowstone Park. About 400 warriors, incumbered by more than 1,000 women and children, carried on a running fight for 1,400 miles against the regular army of the United States, reinforced by 250 Bannock Indians, who were employed as scouts under the command of Capt. Samuel G. Fisher, a regular army officer.

They defeated Gen. Howard again and again, captured Gen. Gibbon's camp at Big Hole basin, and pursued him so fiercely that nothing but artillery saved his command from annihilation. Joseph finally surrendered to Gen. Miles at Bear Paw mountain, near the Canadian line.

There were no less than fifteen engagements. The whites lost six officers and 121 soldiers killed, and 13 officers and 127 soldiers wounded. The Indian losses could not be ascertained, but it is known that 151 were killed and 88 were wounded. This is probably about half the actual casualties.

After the surrender Joseph and his people were sent to Fort Leavenworth, and then to Indian territory. After languishing there as prisoners for seven years, they were permanently placed on the Colville reservation near Spokane in the state of Washington.

Virtues of Nez Perces.

The Nez Perces were Christianized In-

will stand. And Joseph's words will stand as long as this monument.

"We, the red and the white, are both here. The Great Spirit looks down upon us both. If we are good and live right, like Joseph, we shall see him."

"For the same reason the law of the soul is the same for both of us. I have finished."

Prof. Edmund S. Meany of Washington State University, representing the Historical Society, delivered the principal address, reviewing the events of Joseph's life and drawing the moral that it teaches both races.

Joseph's Chosen Grave Site.

The monument stands upon an ideal site, at the summit of a hill, about half a mile from the village of Nespelem, commanding a view of the distant mountains and the valley of the Columbia. Joseph selected this spot as his burial place a few days before his death, which occurred shortly after his return from Washington in September, 1904.

His visit was for the purpose of making another appeal to the President and the Secretary of the Interior to restore to him and his children the home of the fathers in the Wallowa valley. But he could not get a hearing.

He came back to his people in a despondent mood. He told the driver of the stage on his way to Nespelem that he was broken in spirit and did not expect to see another snow.

On the morning of September 21, 1904, feeling that death was near, he sent his wife to the "Ictas house" to fetch his war bonnet and other ornaments, so he could die robed as a chief; but upon her return with the garments she found him lying lifeless upon a buffalo robe.

The agency physician said that the cause of his death was heart failure. Maj. Lee Moorehouse, the famous Indian photographer of Pendleton, Ore., who knew Joseph better than any other white man, insists that he died of a broken heart, a victim of the injustice of a Christian nation.

"Joseph was a man of the highest sense of honor," said Mr. Moorehouse; "his word was good as gold. He always did what he believed to be right, and he expected that the white people and the government would treat him in the same way."

"After repeated appeals for a restitution of the lands that were forcibly taken from him by the military, under orders from Washington, he became hopeless, and there was nothing left for him but the grave. My opinion is that Joseph was the greatest Indian character of the past century."

Description of Monument.

The monument is a shaft of white marble, seven and one-half feet high, resting upon a granite pedestal. On the front face is an excellent likeness of Joseph in relief. Upon the base, in large letters, appears the name "Chief Joseph."

Upon the opposite face of the shaft is inscribed his Nez Perce name, "Hin-mah-too-wah-lat-kekt," and its translation, "Thunder-rolling-in-the-mountains."

On the third side is the inscription: "He led his people In the Nez Perces war of 1877. Died September 1, 1904. Aged about 68 years."

Upon the fourth side are the words, "Erected June 20, 1905, by the Washington State Historical Society."

FOUND \$1 IN HIS POCKET.

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Treatment of Indians by white people

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The Answer to the Riddle of Our Indians Ever since its inception the Department of the Interior by virtue of its control over the public domain has been the political division of the national administration. In a hundred years the Federal Government gave away half a continent through the Interior Department. Naturally this department, supervising and regulating the giving-away process, became a most important political asset to the party in power. It was subjected to constant private influence and official pressure, always for private profit or political advantage, until the departmental organization lost its sense of responsibility to the public as custodian of public property.

In this atmosphere—read “Every Odd Section” on page eleven for a sample of it—the Bureau of Indian Affairs controlling the destinies of 300,000 red wards and of their billion-dollar estate, lives, moves and has its being. Of course there can be only one outcome: The Bureau will act in harmony with the spirit of its surroundings.

If the Indian is to be liberated and his property safeguarded, if the administration of Indian affairs is to be humanized, the Bureau must be taken out of the Interior Department and put elsewhere. The one logical place where it should be is in the wholesome atmosphere of the Department of Agriculture.

Let's put it there, even if the entire Interior Department has to be abolished. Its disappearance would not hurt. The engineering profession knows that. Through the unanimous vote of the administration board of the American Engineering Council it is insisting on the abolition of the Interior Department. More power to its insistence.

How to Put Our Red Wards on Their Feet The Indian problem is essentially an agricultural problem. Its essence lies in the question of how best to use the existing tribal organization and influence to transform the individual Indian into a self-supporting and self-respecting farmer or stock raiser. Superintendent F. C. Campbell of the Blackfeet reservation has demonstrated that it can be done, but unfortunately there are very few men of the Campbell type and ability in the Indian Bureau.

The Department of Agriculture is now educating white farmers, showing them better methods of crop and live stock production, guiding, aiding and advising them. It could extend this work to the Indian reservations from which it is now barred and give better service for less money. The Forest Service of the Department of Agriculture could take over the administration of Indian timber and produce better results for half the present cost. The Bureau of Public Roads, the Biological Survey, the bureaus of Animal Industry, Irrigation Investigations and a dozen others could give the Indian the guidance he needs at much smaller cost and with far greater efficiency than the present underpaid and tape-bound force of the Indian Bureau.

Best of all, the viewpoint of the Department of Agriculture is constructive, educational, humane. The Interior Department deals almost solely with property in various forms; the Department of Agriculture can do little except through a knowledge of human nature, of its deficiencies and how to overcome them.

Here is hoping that farsighted statesmen in Congress will put through legislation transferring the Indian Bureau to the Department of Agriculture.

INDIANS INHUMANLY TREATED

By Suzanne McKelvy

I have just finished reading a keen, clever satire on the Government's dealings with the California Indians, which was written many years ago by J. Ross Brown, and published by Harper Brothers in 1864, and has recently been reprinted with their permission. I have turned away from its sickening recital of cruelties with a righteous anger in my soul, and hot tears of shame in my eyes, that any so-called civilized Government could so inhumanly treat a weak, harmless, defenseless people, who by reason of their ignorance of such manner of warfare, were peculiarly at their mercy.

After years of being hunted down and murdered, of having their lands taken from them without recompense, after seeing their wives and children killed in every cowardly and barbarous manner that could be devised with no pretense of provocation it finally dawned upon the General Government that these Indian tribes might need some protection, and in 1853 laws were passed to establish reservations for them in California. Large appropriations were made to carry these laws into effect. And, strange as it may seem, there are people today who think that the Indians are living on these reservations, under the kind and beneficent care of the Government, with all of their needs supplied. A true history of the treatment of the Indians at these reservations shows that their last state was worse than their first. When the gross misappropriation of funds became so evident, and the atrocities and murders so flagrant that public clamor called the attention of the Government to these abuses, a special agent was sent to examine the condition of the California Indians, and report the result of this investigation. It took this agent three years to complete his report, during which time he sent voluminous miles of paper to Washington, piled up proof upon proof of dishonesty, of cruelty, of misappropriation of funds, of innumerable murders, of slow starvation of almost entire tribes of Indians, and showed, to quote the author's own words, "That the results of the policy pursued were precisely as might have been expected. A very large amount of money was annually expended in feeding white men, and starving Indians." Then the author further adds that "The agent did exactly what he was instructed to do, which was exactly what he was not wanted to do."

Other agents were sent out to see if he had told the truth, and were forced to admit that he had. These men incurred the hostility of powerful senatorial influences, and lost their official heads, and conditions for the Indians instead of being improved were made more impossible.

The horrors that followed seem too terrible to write down in merely cold ink. They should be written in fire, and heralded from mountain tops.

The Indians were hunted down and slaughtered. Women and babies, boys and girls, strong and weak. All alike fell victims to the knives or the bullets of these inhuman, rapacious thieves, the white men who had settled there under official authority, and most of whom derived their support

either from actual or indirect connection with the reservation. I have quoted almost verbatim from the author in making this last statement. Do we dare call ourselves civilized? A government that would not redress such wrongs as these, has not touched the first round on the ladder of civilization.

Now I imagine that I hear some reader say "That was years ago, such things could not happen now."

We earnestly hope that they could not, and one great reason why they could not is that the Indians have been reduced to so few, and the land they now occupy no white man wants, so there is not the same reason to make wholesale killings as there was at that time. The best land, that which would produce a living, has been wrested from them, taken by force, and they have never been paid one dollar of compensation for its loss. They are a small band now. Almost too small to be in the way, but now and then one is found on land that some white man thinks he would like to have, and before you say that those monstrous cruelties could not take place in this year of Grace 1924, let me tell you that things as unjust and almost as cruel are taking place now.

An Indian may be occupying a piece of ground which he has every reason to believe he rightfully owns. He may have planted and cultivated some small crops with which he expects to provide for his family, and if some white man wants to file on a claim that takes in the home of the Indian, he proceeds to do so, and the Indian is forced to leave his house, his crop, his land, and roam through the hills hunting acorns, angle worms, and grasshoppers to keep from starving. Is that very far removed from the things we are told of in Mr. Brown's ironical article?

The Indian cannot, like the foxes, live in a hole in the ground, or, like the birds of the air, build a nest in a tree. And if he did try it, the chances are that some white man would want that particular tree for lumber, and cut it down regardless of the nest. We are a great rich country, and take a pardonable pride in the millions we give to relieve the needs of afflicted people on the other side of the sea. We should do it, but we should also remember, that anything we do for the California Indians is but a partial payment of a just debt long overdue.

As an Indian Board of Co-operation we are working to get some legislation through Congress which will give a measure of justice to our Indians. It all takes time, and work, and money. We are hopeful of getting some action on the suit for the Indian lands which is now in the Court of Appeals in Washington, D. C. The money which is needed is all raised by voluntary contributions, the Indians themselves contributing no small part of it. They are brave and optimistic almost to the last individual. No sum is too small to be of value and help to right the wrongs because of which, we must all feel a sense of humiliation. We must at least make an effort to give justice to this remnant of a once strong, powerful race.

"Give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness."

national scandal. For more than a century a race that has proved itself capable of high cultural development has been kept in a condition of involuntary servitude. Millions of immigrants were received who possessed no more natural abilities than the Indians. Full citizenship was accorded to them after the legal term of probation. The courts were open to them for the redress of wrongs from the day of their arrival.

During all these years citizenship was denied to the Indians. They were subjected to the paternal administration of the Indian Department and become the sport of partisan politics. Every race residing in this country was granted free entry to the courts, except the American Indian. Under the control of the Indian Bureau this free avenue for the redress of grievances was denied to them.

Restrictions unworthy a free and justice-loving people have been removed by the recent act of Congress. It provides that:

All non-citizen Indian born within the territorial limits of the United States be and are hereby declared to be citizens of the United States.

This bill was passed over the protests of the politicians in the Indian Bureau and in the lower house of Congress. It originally passed the House of Representatives in the following form, in which the trail of the politician is clearly visible:

The Secretary of the Interior is hereby authorized, in his discretion, under the regulations prescribed by him, to issue a certificate of citizenship to any non-citizen Indian born within the territorial limits of the United States who may make application therefor, and, upon the issuance of any such certificate to any Indian, he or she shall be a citizen of the United States.

But the Senate decided to go the whole way. The act was amended by conferring unrestricted citizenship; and when it went to conference in that form the House concurred.

By legalizing this natural right a double purpose is served: a stain upon just government in the United States is removed and the knell of the Indian Bureau is sounded. While there have been many good men in the Indian Department, the record of a generation shows that it has formed almost continuously a part of the pernicious spoils system.—Los Angeles Times, June 4, 1924.

INDIANS ENTITLED TO SCHOOLING

Common Education Small Return for What We Took From Them

It appears that our laws purport to authorize the trustees of school districts to exclude Indian children from public schools, provided there is a United States Indian school within reach.

The Constitution of the United States says that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Our State Supreme Court says that the Constitution of the United States wins. The Indian girl can go to school.

Considering that the present inhabitants of California robbed the Indians of almost every foot of land within the State, it seems like mighty small business to exclude Indian children from schools supported by taxation of what would be Indian property if the present inhabitants were not robbers. If the white race has a right to the soil of California on the ground that we can make it support more human beings than the Indians why have not the yellow races the right, for the same reason, to turn us out and move in?—S. F. Chronicle, June 4, 1924.

CALIFORNIA INDIAN HERALD WINS FAVOR

The current monthly issue of the California Indian Herald is, as we always expect, maintaining its usual standard of excellence. An artistic monochrome frontispiece, portraying Indian childhood and motherhood, is the first of many good things the reader will encounter. The publication deals with matters of interest to our Indian brothers and it presents in a lucid, attractive way the case of the Red Man seeking justice. Its reasonings are uncompromising, but never harsh or bitter. We bespeak the interest of our readers in this paper and urge them to subscribe for the sake of a good cause. Only \$1.25 a year. Further information at The Prospector office.—Tuolumne Prospector, Friday, June 13, 1924.

The Ordeal of Getting Civilized

TROUBLES OF AN INDIAN TREADING THE WHITE MAN'S PATH

By GILBERT L. WILSON

THE old Indian was wending his way upward to his cabin, but stopped halfway up the hill. He was too far away for us to see his features, as he stood gazing earnestly into the evening shadows where they fell on the rolling Missouri; then he turned again toward his cabin.

The young reservation schoolmaster laughed.

"Old Wolf-eye," he said, "I guess he is thinking of other days. He often comes out in the evening and stands gazing at the river. He finds it hard to live like a white man, but he is making a plucky try at it."

"Making any progress?" I asked.

"More than I would make if I were an old buck like him. He's been out in twelve war parties and lifted a half dozen scalps. He walks the white man's way now—has a small trading store beside his cabin; and with a few cattle and horses, and a potato field, and corn, he manages to get out a pretty fair living."

"Does he know English?"

"No, can't speak it anyway. He attended the reservation school for a time, after he was thirty years old, and learned to figure and spell easy words, so he can keep accounts in his trading store; but he has to have an interpreter if a white man comes in. Old Wolf-eye isn't a bad fellow, honest as pure gold."

"Good qualities," I said.

"They certainly are; and Wolf-eye isn't above learning yet, if he is old. Last winter he let his squaw go down to the woods every Monday and cut the week's wood. In the evening the old

buck went down with his pony and sledge and hauled the wood home. I told him that wasn't a white man's way; that our women didn't cut the wood; men did that. He was much surprised. 'Indian women always chopped wood in old times,' he said. 'I thought white women did.' The next week old Wolf-eye went to the woods with his ax, and in the evening his squaw brought down his horse and sledge. I guess Wolf-eye isn't as good an ax man as his squaw, for his load was smaller." And the schoolmaster chuckled.

I had wondered what would be the trials of an Indian getting adjusted to civilized life and it struck me that here I had a real find, a native of the old school, who could make clear to me the difficulties a barbarian must experience in treading the white man's path. I determined to seek out Wolf-eye.

The evening of the next day found me with my interpreter, Wolf-eye's nephew, in the old Indian's cabin. The sickly glow of a kerosene lamp half-lighted the room. Wolf-eye sat rather back in the shadows, but his face was toward the light and showed heavy but regular features, with full lips, wide cheek bones, and kindly eyes. He wore a calico shirt outside his overalls; on his feet were moccasins. He was smoking a long-stemmed pipe of red-stone. Evidently he was expecting us. A comb lay on the table and his hair, untinged by gray, was newly kempt. Indian-like, Wolf-eye let me begin the conversation.

"You Indians don't show your age," I began diplomatically. "I think you

are older than I, but your hair is black as a raven; mine is quite gray."

His answer rather startled me.

"I wish my hair was gray. Then I would be a white man."

"But why would you want to be a white man?"

"Because then I could learn more about this world. I can speak very little English; and there are not more than 500 people to whom I can speak in my own language. What can I learn of them? I know a big war has just ended in Europe. What caused that war? I want to *know* things." The interpreter's English was broken, but I have put his words into intelligible idiom.

"But Wolf-eye," I said, "at least you can live like a white man even if you are not white."

"That is not an easy path for an Indian to walk. Indian ways are not white man's ways, and one cannot refuse to keep to the customs of his tribe. In olden days, we Indians held our foods almost in common. When one family ate, all ate. When one family starved, all were starving. We could not do otherwise. There were few families in the tribe which had not more than once been saved from starvation by food stores of others, especially in winter.

"We do not live so close to starvation now, but we find it hard to forget our old customs. A young couple, just home from the white man's school, are eager to raise wheat and build a good house. In the fall, they gather in their crops and store up potatoes, beans, and dried meat for winter. Then their relatives come to visit them, and stay until all their food stores are gone. I do not think white people do that.

"It is the same if we try to raise stock. Our agent tells us that we

ought to raise hogs. My son bought a pig to raise. He built a pen for that pig, and fed it much corn; and he subscribed one dollar for an agricultural paper, to learn how to raise that pig. In the paper he read that he should let the pig out every afternoon for fresh air. So my son bought an alarm clock for two dollars, and set the alarm every day for four o'clock, so he would remember to let out his pig. The pig grew big and fat, and the bigger it grew the more corn it ate. That pig never seemed to get enough corn. In October my son butchered that pig. Then all the families of his relatives came to see that dead pig, and to every family my son gave a big piece of meat. In four days all the pig was eaten. My son says it does not pay to raise pigs."

"But this reservation has fine grazing lands," I said. "Why don't you keep milch cows?"

"We tried to keep milch cows," answered Wolf-eye, "for we liked the milk. But none of our older Indians can read or speak English. The Government has allotted us farms and tells the Indians they must live on their farms. But these farms are far apart. The 500 Indians of my small tribe are scattered for fifty miles along the Missouri River. They have no books to read, no magazines to amuse them. An Indian family becomes lonesome and goes to visit friends; maybe they cross the Missouri in a flat boat, and are gone two or three weeks. When they come home again they find their cows dry; or the cows are wild, and kick if the Indians try to milk them. Also the coyotes have stolen the Indian's chickens. One cannot keep a strong heart when things are like that."

"But your young men are educated in our schools. If they are ambitious,

they can join white communities and live like white men."

"That is hard to ask of them. A young man's heart yearns for his own people. In olden times, a young man was ambitious. He was eager to be a warrior, not that he liked to fight, but if he struck an enemy, every one praised him, the girls smiled at him, and he could marry any one he wanted. White men are ambitious to make money, so that others will think well of them, and they can marry into good families. But we Indians cannot get rich on this reservation, where all our relatives visit us and eat our food. There is now nothing to make us ambitious."

"But if your young men are educated and know English, why cannot they compete with whites, and get rich as white men do?"

"That is not easily done. Our reservation schools are not good, and an Indian lad is not equipped as a white boy is equipped. Then, even if a young Indian has a strong heart, there is not much he can do on this reservation and his relatives often try to keep him back in the Indian ways."

"Cannot many of your young men find employment with white people?"

"Some of them do, but white men often refuse to employ Indians. Even if trained to some trade, an Indian raised on our reservation cannot know the thousand-and-one little things that will make him at home in white society and which are such a help to one's work."

"But white men usually treat Indians kindly, do they not?" I asked. "Americans admire the Indians. Many books are written about Indians and their customs."

Wolf-eye answered with feeling, but he spoke calmly.

"For twenty years I have tried hard to learn white men's ways. In all that time I have met but three white men who treated me like a brother, Mr. Hall, the missionary, an agency clerk, and a man who came to us from the American Museum of Natural History. We Indians are proud. It hurts our hearts when white men tell us we are greasy and dirty. We do not like to have them say, 'You are just like dogs!' We Indians know very well how we now live, and that our old customs do not fit into the life our young people must learn to live. In old days, every young man went each morning for a bath in the Missouri; in winter he cut a hole in the ice, and after his bath, rubbed himself with white clay. We lived then in Like-a-fishhook Village, right on the river. Now our families are, many of them, two or three miles from the river, and we have no baths in our cabins.

"Our clothes are not neat and clean, like white men's clothes. In olden days, we dressed in skins, which we could clean with white clay. Now our clothes are of cloth, and we do not know how to care for them. Many of our women own washtubs, and know how to use soap; but it is hard for them to heat water in our cold winters. Our cabins are small; our women cannot take their tubs out of doors in the biting wind, when the ice is four feet thick on the Missouri; and if they wash the clothes in the cabin, the air gets full of steam while the water that splashes on the floor freezes. Then the door is opened to let out the steam and the room gets cold; so we build a hot fire in the stove, until we have to open the door again, to cool the cabin. Our children thus catch cold, and have lung sickness."

"But you have more to eat now than

you had when you lived by hunting, have you not?" I asked.

"Yes, but we do not know how to prepare many of our new foods. In old days, when a buffalo was killed, our women knew how to cook every part. But our women cannot make things like rice, potatoes, wheat, and oats, into good-tasting foods. And this I think very bad for sick people. An Indian woman's baby gets sick. The reservation doctor is maybe thirty miles away. That Indian woman gets scared. She does not know what to do. She remembers that when she feels tired, she drinks coffee, and it makes her feel good. So she makes a big pot of coffee, and gives it to that baby. Maybe that is why so many babies die on this reservation."

"Did they not die so in olden times?" I asked.

"Not so many died. In winter we lived in earthlodges, down in the timber, out of the cold prairie winds. The fire did not warm the lodge much, but we had warm robes and plenty of fresh air came down through the smoke-hole. We did not sicken and die then."

"But you have many things, now, that you did not have then. Do you not live more comfortably?"

"In many ways, yes. We have iron axes, and iron hoes and guns. In my grandfather's lifetime we had few horses; and when we made long marches over the prairie, our baggage was borne on the backs of women, or on travois dragged by dogs. Old people suffered very much on these marches; if they fell sick, we sometimes had to leave them to die on the prairie. Horses have made traveling easier for our tribe.

"Iron axes make the work of our women easier. When I was a boy, we still lived in earthlodges, which our

women built. My grandfather told me that it was hard to cut posts with stone axes, and split puncheons with horn wedges. Our iron hoes are better than our hoes of bone; and we can cultivate more corn now that we have plows.

"But I am not sure that gunpowder has been a blessing. For a time that made it easier to hunt game, but the buffalo herds were soon killed off. Then, in olden days, when we fought with arrows, not so many men were killed. After the Sioux got guns, they could come opposite our village, and shoot across the Missouri at our women as they went down to get water. The Sioux could not have done that with arrows."

"I am sure horses are useful to the Indians," I said, "and you have other live stock, also."

"Yes, we have cattle; some families raise pigs, and not a few have chickens. But we have other live things from white people that we do not like. We have rats and a new kind of mice. We did have lice in old times, but we never had flat bugs that now get into our beds.

"We knew what fleas were. When a hunter killed a kit fox and fetched it home, he always found himself covered with fleas that came out of the pelt. But he put a robe over him and smoked some sage under it, and all the fleas were killed or driven off. When we first got white men's fleas, we thought they were like kit fox fleas; but we soon found they were not. 'Kit fox fleas hardly bite us,' our old men said. 'But these new fleas are different. They have big teeth.' Some summers our cabins are just overrun with fleas. If a family is away for two or three weeks, they hardly dare enter their cabin. Sometimes a man rolls up his trousers and smears oil over his legs

before he will enter: the fleas die if they hop up on the oil that is on his legs."

"But I hear that the Indians are having better health now that they send more often for the reservation doctor when they are sick."

"That is true. I think he understands many white men's diseases better than our medicine men do. Then, too, he tells us that in the white man's road we are now trying to travel there are many things that make us have diseases, that we did not know in our old life. He says we will get lung sickness if our cabins are not clean. My wife sweeps my cabin every day and I white-wash the outside and the inside twice a year. If my child takes sick, I send for the reservation doctor right away. But my father was a medicine man who said sickness comes from evil spirits. If the doctor does not come at once to my sick child, I sometimes sing one of my father's sacred medicine songs. I cannot always wait till the doctor comes. Once a man from a museum wanted to buy my father's medicines. I was afraid to sell them, because I knew the wonderful things those medicines had done. I worship the one, true God now, and I know it is wrong to worship my father's medicines, and I never do worship them. Still, I know the magic cures they have done, and I was afraid to sell them to the museum until one night I had a dream from my father's spirit that they would be put into a big house built of stone, in New York, where they would rest forever and white people could see them. I thought, too, that it was perhaps best to sell them away from the reservation. I am a Christian now and if those medicines are in New York the spirits that may be in them will not get angry at me because I do not worship them. It is very hard for me to be a Christian because I cannot read the Bible much in English, and so I cannot know all of God's commandments. Then, too, I see Christians do things which the missionary tells me are wrong when I do them. I do not understand it!"

"Your children will understand better, perhaps. They are learning the Christian way in the mission schools."

"It is true; but they are learning many things that I cannot believe. The missionary teacher tells my son that the earth is round like a ball. That seems foolish to me. I have stood on the top of one of the Rocky Mountains, and the earth looked flat, just as it does here on the prairie. The teacher also says it is wicked to make war, and our Indian warriors did wrong in old days when they went out to fight other tribes. Why then to white men make war? In that big war in Europe, the

Government took many young Indians from this reservation to be soldiers, to fight the Germans. Why don't white men leave off making war?"

And come to think about it, why do white men make war?

THE INDIANS HELD THEIR LANDS UNDER THE COMMUNAL SYSTEM, THE RIGHTS OF THE TRIBAL MEMBERS BEING THOSE OF COMMONERS

By Col. Jennings C. Wise, Chief Legal Counsellor at Washington, D. C., for the Indian Board of Co-operation.

A study of many authorities shows that under the Spanish, French and British dominion, even when distinct territory was set apart to the Indians, it was never attempted to prescribe, regulate or control the social and economic systems under which the various tribes lived and enjoyed their property, and this policy has been followed by the United States.

The Constitution of the United States confers upon Congress the power to regulate commerce with the Indian tribes, and until the year 1871 the common method of dealing with them was by treaty through the agency of special commissions. In that year, however, an act of Congress abolished this practice, and in effect placed under the immediate control of Congress all political as well as commercial intercourse with the Indians.

From an early period it has been the practice of the Government to conclude treaties with the Indians for the extinction of the possessory right to the lands occupied by them, title to which was confirmed in them by the courts of the United, and for their removal to reservations set apart to them. Over these reservations, whether they are within the territorial limits of a state or not, the Federal Government retains full authority to protect the Indians in their persons and property, although a reservation lying within the limits of a State is subject to its jurisdiction also except so far as concerns the government and protection of the Indians themselves, unless otherwise provided by treaty with the Indians. But we are not concerned here either with Indians who have been removed to reservations, or with those to whom specific grants of land have been made by the United States, as has been done in the case of the Cherokees, Choctaws and others, but only with Indians who lay claim to their original tribal domains and the right to hold their property in accordance with their tribal law.

The position of the Indian tribes in the United States is anomalous. Strictly speaking, they are not a part of the body politic, but are regarded as "domestic dependent nations," and are officially spoken of as the "wards" of the nation.

In *Montoya v. U. S.*, 180 U. S., 266, the definition of an Indian tribe is stated as follows:

"By a tribe we understand a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory."

* * * the social unit of the Indian tribe was distinctly recognized and given a legal status in the United States in the following language:

"The Indian tribes have always been recognized as distinct communities, and have

been permitted to a large extent to make and enforce the laws for their own government * * *"

Thus, while all territory officially known as Indian country, that is, country the title to which remains in the Indians, is subject to the jurisdiction of the United States, and while it belongs to Congress to enact laws for the regulation of intercourse of Indians with one another and with citizens of the United States, it has ever been the policy of the Government to leave to the Indians the regulation of their domestic concerns as far as practicable.

And it has been repeatedly held that the courts of the United States will take judicial notice of the tribal laws and customs of the Indians in so far as they affect Indian property rights.

"The determination of what was the existing law of the Cherokee Nation * * * is solely a matter within the jurisdiction of the courts of that nation, and the decision of such a question in itself necessarily involves no infraction of the Constitution of the United States." Bledsoe, in his treatise on Indian Law, says:

"All tribal lands were held by the members of the tribe in common. In the first half of the nineteenth century individual rights of occupancy were conferred upon members of certain tribes as to particular parts of the tribal domain. This was a segregation of the right of occupancy rather than a setting apart in allotment of a particular tract or parcel of land to a member of the tribe."

In Article I of the treaty of August 6, 1846, between the United States and the Cherokee Nation, it was expressly provided that the lands then occupied by the Cherokee Nation should be secured to the whole Cherokee people "for their common use and benefit, and that a patent should issue for the same." And in the treaty of July 1, 1866, it was expressly provided that upon request of The National Council of the Cherokees the Secretary of the Interior would cause the country reserved to the Cherokee Nation to be surveyed and allotted among them at the expense of the United States. These express provisions, and many similar ones in other treaties and laws of the United States, clearly show that until the Indians themselves desired their communal system of land tenure to be disturbed no allotment of lands in severalty was required of them, or even contemplated by the government.

Nor does the acquisition of United States citizenship by an Indian necessarily deprive him of his vested property rights as they existed under the laws of his tribe unless those laws themselves so provide.

According to R. S. 1992, all persons born in the United States and not subject to any foreign power, excluding **Indians not taxed** are declared to be citizens of the United States.

Prior to 1887, under a decision of the United State Supreme Court an Indian could acquire citizenship only by naturalization in accordance with the Act of March 3, 1865, which required that he comply with certain legal formalities, abandon his

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SANTA BARBARA MISSION

(The following description of the Santa Barbara Mission is taken from "Old Franciscan Missions of California" by George Wharton James.—Editor).

"Father Zephyrin has written a very interesting account of Santa Barbara Mission, some of which is as follows:

"The work of erecting the necessary buildings began early in 1787. With a number of Indians, who had first to be initiated into the mysteries of house construction, Fathers Paterna and Oramas built a dwelling for themselves together with a chapel. These were followed by a house for the servants, who were male Indians, a granary, carpenter shop, and quarters for girls and unmarried young women.

"In succeeding years other structures arose on the rocky height as the converts increased and industries were introduced. At the end of 1807 the Indian village, which had sprung up just southwest of the main building, consisted of 252 separate adobe dwellings harboring as many Indian families. The present Mission building, with its fine corridor, was completed about the close of the eighteenth century. The fountain in front arose in 1808. It furnished the water for the great basin just below, which served for the general laundry purposes of the Indian village. The water was led through earthen pipes from the reservoir north of the church, which to this day furnishes Santa Barbara with water. It was built in 1806. To obtain the precious liquid from the mountains, a very strong dam was built across "Pedragoso" creek about two miles back of the Mission. It is still in good condition. Then there were various structures scattered far and near for the different trades, since everything that was used in the way of clothing and food had to be raised or manufactured at the Mission.

"The chapel grew too small within a year from the time it was dedicated, Sunday, May 21, 1787. It was therefore enlarged in 1788, but by the year 1792 this, also, proved too small. Converts were coming in rapidly. The old structure was then taken down, and a magnificent edifice took its place in 1793. Its size was 25 by 125 feet. There were three small chapels on each side, like the two that are attached to the present church. An earthquake, which occurred on Monday, December 21, 1812, damaged this adobe building to such an extent that it had to be taken down. On its site rose the splendid structure, which is still the admiration of the traveler. Padre Antonio Ripoll superintended the work, which continued through five years, from 1815 to 1820. It was dedicated on the 10th of September, 1820. The walls, which are six feet thick, consist of irregular sandstone blocks, and are further strengthened by solid stone buttresses measuring nine by nine feet. The towers to a height of thirty feet are a solid mass of stone and cement twenty feet square. A narrow passage leads through one of these to the top, where the old bells still call the faithful to service as of yore. Doubtless the Santa Barbara Mission church is the

most solid structure of its kind in California. It is 165 feet long, forty feet wide and thirty feet high on the outside. Like the monastery, the church is roofed with tiles which were manufactured at the Mission by the Indians."

JUSTICE TO THE INDIANS

The record of the United States Government toward the Indians of the northern counties of California is not a good one.

It never has made good its treaty promises of over 70 years ago to turn over to these Indians—whose descendants now number only about 4,500—lands as valuable as those from which they were evicted by the coming of the white man.

So a committee of nine full-blooded Indians appeared before a congressional committee the other day for permission to push their claim in the Court of Claims of the United States, to make regular court action of it, as it were, instead of asking for money appropriations. They want, it seems, what they claim belongs to them, not for a money dole.

In the words of their own committee: "The California Indians are asking the United States Government for justice, nothing more and nothing less; and not for charity."

The fact is that for years these Indians of our northern counties have been treated shamefully, in about the same manner as the British Government treats the natives of lands it "so beneficently rules."

The ways of white governments with "inferior natives" seem to be much alike through the world.

Malcolm MacDowell, secretary of the United States Bureau of Indian Affairs, in a report of previous hearings on this same matter, has recommended "the adoption of a California Indian policy, with appropriate legislation to make it effective, predicated upon the acknowledgment of a legal debt due the Indians because they were dispossessed of the lands without due process of law and without compensation, and based upon the principle of exact justice and not upon sentiments of pity or charity.

The Indians are a proud people. They resent doles as much as any high-spirited person would resent food given in charity. The tribes of northern California were the owners of a large area of land. They have never been adequately compensated for it since it was taken away from them.—San Francisco Examiner.

Forest fires in California are destroying daily millions of dollars' worth of property. Forestry officials say that August and September are the most dangerous months, from the fire viewpoint.

Everyone should take extreme care! Do not throw away matches or tobacco until you are sure they are out, and do not leave a campfire until it is dead and buried.

Item 23. Write in your address as indicated by the words in parentheses under the blank line, in exactly the same manner it is written under Item 2.

Item 24. Write in your signature as in Item 19. This must be written in the presence of the Notary before whom you take oath as to the truth of the statements.

Item 25. Make your fingerprints as instructed for veterans in Item 11.

Item 26. Is to be filled in by the Notary Public before whom you sign your name in Item 24.

SPECIAL NOTICE TO DEPENDENTS

Your application must be accompanied by a certified copy of the death certificate of the deceased veteran.

SPECIAL NOTICE TO GUARDIANS

The legal guardians of a veteran, or a dependent, must attach to the application a certified copy of his (or her) letters of guardianship and, also, an affidavit stating that he (or she) is the person named in the letters of guardianship and that he (or she) is still the qualified and acting guardian of such veteran, or dependent.

SPECIAL NOTICE TO ALL

After making out your application, read it over carefully to see that it is correct and all blanks are properly filled. Be sure you have signed your name properly.

Copied from San Francisco Examiner, June 16th, 1924

The Indians Hold Their Land Under the Communal System, the Rights of the Tribal Members Being Those of Commoners

(Continued from Page 6)

tribal relations, and take up the habits of civilized life, thereby subjecting himself to taxation. But by the Act of Feb. 8, 1887, it was provided that Indians residing on lands allotted to them in severalty under the terms of the said act should be considered as citizens of the United States without the formality of the process of naturalization in accordance with R. S. 2312, or the Act of March 3, 1865.

It is clear, however, that unless an Indian accepts an allotment of land in severalty, under the latter Act he does not become a citizen of the United States, and equally clear that he does not come under the jurisdiction of the State or Territory in which his property is located unless it be allotted to him in severalty, while under the former Act, even if an Indian becomes a citizen by naturalization, he does so "without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

It would appear, therefore, that although an Indian has abandoned his tribal relations and become a citizen of the United States under the Act of 1865, he is not deemed to have abandoned his rights in the tribal property as determined by the tribal laws, but, on the contrary, it is equally clear that not only non-citizen Indians who preserve their tribal relations, and Indians who are not taxes, but those who have become citizens of the United States to whom no land has been allotted in severalty, remain subject to the exclusive jurisdiction of the United States.

It has been shown hereinbefore that under the law of the United States the tribal laws, and not the law of the State in which the tribal land is located, is deemed to govern with respect to Indians' lands until they have been allotted in severalty. Therefore, it becomes necessary to deter-

mine the Indian land law in order to establish the rights of Individual Indians under the law of the United States in the tribal estate.

Under the heading of "Land Tenure," in the Handbook of American Indians, being Bulletin 30 of the Bureau of American Ethnology, Smithsonian Institution, it is said:

"The Indian conceived of the earth as mother, and as mother she provided food for her children. The words in the various languages which refer to the land as 'mother' were used only in a sacred or religious sense. In this primitive and religious sense land was not regarded as property; it was like the air, it was something necessary to the life of the race, and therefore not to be appropriated by any individual or group of individuals to the permanent exclusion of all others. Other words referring to the earth as 'soil' to be used and cultivated by man, mark a change in the manner of living and the growth of the idea of a secular relation to the earth. Instead of depending on the spontaneous products of the land the Indian began to sow seeds and to care for plants. In order to do this he had to remain on the soil he cultivated. Thus occupancy gradually established a claim or right to possess the tract from which a tribe or an individual derived his food. This occupancy was the only land tenure recognized by the Indian; he never of himself reached the conception of land as merchantable, this view having been forced on his acceptance through his relations with the white race. Tecumseh claimed that the Northwest Territory, occupied by allied tribes, belonged to the tribes in common, hence a sale of land to the whites by one tribe did not convey title unless confirmed by other tribes. Furthermore, among most of the Algonquin tribes, at least, according to Dr. William Jones, if land were ceded to the whites, the cession could not be regarded as absolute i. e., the whites could hold only to a certain depth in the earth, such as was needful for sustenance. Each tribe had its village sites and contiguous hunting or fishing grounds; as long as the people lived on these sites and regularly went to their hunting grounds they could claim them against all intruders. This claim often had to be maintained by battling with tribes the favorable localities were preempted of the right to hunting grounds was the cause of most Indian wars. In some tribes garden spots were claimed by clans, each family working on its own particular patch. In other tribes less favorably situated. The struggle by individuals regardless of clan relations. As long as a person planted a particular patch the claim was not disputed, but if its cultivation were neglected any one who chose might take it. Among the Zuni, according to Cushing, if a man, either before or after marriage, takes up a field of unappropriated land, it belongs strictly to him, but is spoken of as the property of his clan, or on his death it may be cultivated by any member of that clan, though preferably by near relations, but not by his wife or chil-

Ju dren, who must be of another clan. Moreover, a man cultivating land at one Zuni farming settlement of the tribe can not give even of his own fields to a tribesman belonging to another farming village unless that person should be a member of his clan; nor can a man living at one village take up land at another without the consent of the body politic of the latter settlement; and no one, whatever his rank, can grant land to any member of another tribe without consent of the Corn and certain other clans."

From the foregoing it is seen that the Indian system of holding land in common is radically different from holding lands in common as co-tenants under the systems of Civil and Common law.

In the United States the general rule is that:

"Every conveyance, devise, etc., of property to two or more persons in their own right creates a tenancy in common unless it plainly appears from the instrument creating the estate that a joint tenancy and not a tenancy in common was intended, and this although the words used would at common law have created a joint tenancy."

But inasmuch as it does plainly appear from the history of the treaties between the Cherokees and other Indians that in granting land to them to hold "in common" it was not contemplated by the United States that they should abandon their tribal system of land tenure and hold their lands under the system of the common law, obviously the grants to the Indians "in common" under the said treaties did not create in them a tenancy in common within the meaning of the Common Law.

What, then, are the legal incidents of the Indian system of land tenure under the law of the United States.

Although there is a fundamental distinction to be drawn between various kinds of common or collective ownership, frequently it is not clear at first sight which kind of collective ownership is contemplated by the law. For instance, in *Chambers and others v. Harrington* and another, it is said:

"A thing is said to be held in common when there are more owners than one."

This definition would apply equally as well to a case of co-tenancy as to some other kind of collective ownership, yet, a study of the facts shows clearly that it was not tenancy in common which the court had in contemplation. So, too, Freeman, in his exhaustive work on *Cotenancy and Partition*, says:

"A very considerable portion of the New England States was originally held under title acquired by grants made by the Colonial legislatures of a township or other large tract of land, to a number of proprietors. The Estate thereby created was no doubt a tenancy in common. But these grantees or settlers managed their common properties by assembling and passing votes and orders in regard thereto. In that manner, they admitted new members, upon payment of certain sums, and di-

vided the lands as they thought right among those entitled. By force of custom and of general regulations for their government, these proprietaries seem to have acquired and exercised in regard to their property the general power of corporate bodies. But the members, as between themselves, retained some of the rights of tenants in common. Each could compel a partition by legal process, unless the proprietary, before the entry of the decree, had made a voluntary partition. Such voluntary partition was valid, though made pending an action instituted by a member for the same purpose. Each member could convey or devise his interest, or any part thereof; and his grantee, heir or devisee became entitled to all the rights of an original member of the proprietary."

But from the statement of Freeman himself it is apparent that the proprietors, or the grantees of the proprietary grants, had in mind a system of ownership quite different from an ordinary tenancy in common, and innumerable decisions by the courts of New England dealing with the rights which arose under the grants mentioned by Freeman clearly show that the proprietary property was deemed to possess something of a communal character.

Other cases of similar confusion might be cited. For instance, in *Shulthis v. MacDougal*, and *Berryhill v. Shulthis*, Id., it was held that the interest to which a member of the Creek tribe was entitled in the common land of his tribe was held by him "in effect by a tenancy in common."

Here it is to be observed, however, that despite the failure and oftentimes the reluctance of the courts to come out squarely and define the exact nature of the interests of the owners of property, such as those of the New England proprietaries, and the Creek Indian referred to in *Shulthis v. MacDougal*, supra, an owner is either a tenant in common or he is not. To hold that the former as between themselves "retained some of the rights of tenants in common," or that lands were held by a tribal member "in effect by a tenancy in common," may suffice to avoid a flat decision on the point under consideration, but it does not decide the question at issue.

The truth of the matter is the courts have been greatly puzzled by the problem of the Indian title and estates since these questions were first presented, though the problem is more apparent than real.

On this point Professor Dicey says:

"Whenever men act in concert for a common purpose, they tend to create a body which, from no fiction of law, but from the very nature of things, differs from the individuals of whom it is constituted."

That, he says, is a fact "which has received far too little notice from English lawyers."

And Carr, in his treatise on *Collective Ownership*, says:

"Had this fact been recognized earlier, it must have exercised a remarkable influence

upon the history and principles of collective ownership."

This brings us to a consideration of that system of collective ownership known as communalism or communism, as distinguished from cotenancy, the legal incidents of which will clearly appear as the institution is traced from its origin.

In ethnology, the typical society of a primitive class, tribe, or the like, is called a commune or community, which has been said to be society's primary organic cell.

And in Pollock and Maitland's *History of English Law* it is said:

"The student of the Middle Ages will at first sight see communalism everywhere. It seems to be an all-pervading principle. Communities rather than individual men appear as the chief units in the governmental system."

In his most interesting work hereinbefore referred to, under the heading of *Communities as Owners*, Carr says:

"Different writers seek the origin of ownership in systems of property-holding by the tribe, the clan, the village and the family in different sequences. Though the social structures of Indian and Russia have been set aside by side with those of Western Europe, the controversy which has raged round the 'village community' has not yet subsided. Its progress may be followed through the pages of Maine and Seeborn, Von Maurer and Fustel de Coulanges, and in the most recent works of Mr. Round and Professors Vinogradoff and Maitland. We do not propose to deal with it here. The question whether property was first held by communities or by individuals recalls Aristotle's puzzle of the relative priority of owl and egg. Without committing ourselves to the hazardous position that all ownership can be traced back to an original communal system, we can be content to find in Domesday examples of common pasture and occasionally of co-ownership by geographical communities."

And in his essay entitled *Early Forms of Corporateness*, in tracing the development of the corporation he shows that it was but a transition from the early *communitas*, or community in which land was held jointly or in common.

(This Chapter will be concluded in the August issue.)

Agriculture, which is so full of error, which I can only believe is intentional, that I beg of you the courtesy to publish this reply. Unfortunately I did not read the item on the date of its appearance and have not until now had the facts in hand to refute the statements attributed to Dr. Hewett. Dr. Hewett is apparently not a physician, which may serve to excuse him for the errors of observation into which he has been led.

The pertinent facts concerning the health of the Indians are as follows:

Syphilis is not recorded as widespread among the Indians because the Indian Bureau does not provide physicians capable of diagnosing the disease, facilities for laboratory verification of diagnosis, or means for specific and appropriate treatment.

Fresh, primary and secondary syphilis was found abundantly in Taos Pueblo in 1923, introduced by young men returning to the Pueblos from industrial and lumber centers. No case was recorded by the local Indian Bureau contract doctor. The sores of syphilis were treated by this man with peroxide of hydrogen. At private expense treatment facilities were provided. Publicity drove the Indian Bureau to assume the cost of this clinical work, but in three months the bureau closed the clinic. Syphilis still goes undetected and untreated and hence unrecorded by the Indian Bureau.

At Zuni Pueblo, dysentery in a serious epidemic form with high mortality has now become endemic.

The very responsible National Committee for Prevention of Blindness passed the following resolution at its recent annual meeting on December 3, 1925, and was fully justified by the facts obtained by the surveys and clinical examinations of competent physicians not under Indian Bureau control.

Whereas, recent studies of health conditions among our 300,000 American Indian wards disclose an appalling prevalence of trachoma with its inevitable damage of vision and ultimate sequelae of blindness, and

Whereas, reports recently made public by governmental agencies charged with guardianship of these 300,000 Indian wards, confirmed also by many sincere friends of the American Indians, show that provisions are now made for a totally inadequate staff of highly trained persons to cope with the ravages of trachoma in the 30,000 cases reported by the Indian Agents, and

Whereas, the Secretary of the Interior and Commissioner of Indian Affairs are greatly handicapped in their sincere efforts in behalf of the health and welfare of these 30,000 afflicted Indians, both by shortage of skilled personnel and shortage of funds,

Therefore, Be It Resolved: That the National Committee for the Prevention of Blindness in annual meeting assembled, and representing upward of 14,500 per-

sons who by annual contributions in memberships or by donations support every hopeful effort in lessening blindness, respectfully urge upon the Congress such increased financial support and additional legislation as may be required to more quickly alleviate the suffering and ravages of trachoma and minimize its incidence and to better cooperate with all social agencies in a position to help with this promising work so well begun by the Secretary of the Interior and his Commissioner of Indian Affairs.

And yet it is known that the Indian Bureau holds in trust with no benefit to the Indians \$60,000,000 of their money.

Competent observers found trachoma to the extent of ten thousand cases among thirty-eight thousand Hopi Indians. Trachoma is more prevalent among the children of the compulsory boarding schools, where the children live under shockingly unhygienic conditions, than among the Indians of the Pueblos. Isolation or segregation of trachoma and tuberculosis is not attempted or provided for.

The Indian Bureau Medical Service has not been reorganized and is admittedly to-day the most disgraceful apology for scientific or humane medical care under the federal or state government.

At the boarding schools one finds children singing health poems to milk but receiving none, and reciting the dangers of coffee to childhood and getting it three times a day.

The Indian Bureau's published reports of Indian populations are full of inexcusable errors easily noted by reference to the following impossible statements.

For many years in succession, the Five Civilized Tribes of Oklahoma have been reported as numbering 101,506 persons, no change from year to year by births or deaths.

The Indians of California are supposed to have had the following fluctuations in their population:

1920	16,241
1921	12,725
1922	11,091
1923	13,335
1924	18,701

In reading these we can only agree with the little boy, that "somebody lied."

Outside of the transitory activity dealing with trachoma, which was pushed to conclusion in no one pueblo, and which did not reach the majority of pueblos at all, nothing whatever effective or adequate has been done by the government to meet either the disease conditions known through its own statistics or the disease conditions revealed through the investigations of private organizations.

Shut off from the help of county and state agencies,

practically shut off from the help of the U. S. Public Health Service, and confined within the Indian Bureau scheme of service, the Pueblo Indians are neglected just as the other tribal Indians are neglected. Their infant death-rate is extravagant, their eyesight is in jeopardy, and their racial tissue is being destroyed through venereal diseases.

HAVEN EMERSON,

President, American Indian Defense Ass'n

DIRECTOR OF INSTITUTE OF PUBLIC HEALTH,

COLUMBIA UNIVERSITY

THE BROWN'S PARK FORMATION

AMONG the paleontological material discovered during the summer of 1925 by Mr. J. LeRoy Kay of the section of paleontology, Carnegie Museum, is the remains of a long-jawed proboscidean most closely related to *Tetralodon osborni*, described by Professor Ervin H. Barbour.¹

The above-mentioned specimen was discovered approximately six hundred to seven hundred feet above the base of the Brown's Park formation on the southern slope of Douglas Mountain, Moffatt County, Colorado. Mr. Kay has informed me both orally and by letter that this specimen referred to above is from the Brown's Park sediment; that there is no evidence that it was found in a later formation superimposed upon the Brown's Park; and that the find is from approximately the middle horizon of the vertical section of the Brown's Park strata in this locality.

Having these facts before us the question remains as to the age of the Brown's Park formation. In an earlier publication² this formation was cautiously referred to the lower and middle Miocene. From our recent discoveries this is no longer tenable. We must now regard the series as pertaining to the upper Miocene and lower Pliocene.

In the near future, when a complete study of the material obtained and more data on the geology of the region is at hand, a complete report will appear in the Carnegie Museum publications.

O. A. PETERSON

CARNEGIE MUSEUM

THE QUOTATION OF SCIENTIFIC REFERENCES

I HAVE been much interested in the correspondence concerning the methods of quoting references. In my work as lecturer on research in the Philadelphia College of Pharmacy and Science I have impressed

¹ *American Journal of Science*, Vol. XII, No. 246, June, 1916, p. 522.

² *Ann. Car. Mus.*, Vol. XV, 1924, p. 299.

The Public Replies to "What of the Indian?"

THE public's response to Outdoor Life's plea for the release of the Indian from the Indian Bureau is well attested by the letters and extracts printed below, which are characteristic samples of the many letters we have received since we opened a discussion of the Indian question in the September issue. Of all the letters received, not a single one has dissented from our indictment of the Indian Bureau, nor found fault with the two chief tenets of the Indian policy we urge.

This is our policy: Abolition of the Indian Bureau within a twenty-year period, and thorough education of all Indian children in schools where they will be mixed with whites.

An Oklahoman Speaks

Dear Mr. McGuire:—I have read and reread your article in the September issue entitled "What of the Indian?" and of all the articles I have ever read on the poor Indian this is by far the best one. It was only after I became acquainted with the Indian that I appreciated him. In my opinion no race in the records of history has suffered more than has the Indian since the white man came to his shores.

How well do I recall one of the first pages of the old history book I studied in my boyhood, on which appeared the words, if I remember rightly, of General Scott, who said, "The only good Indian is a dead one," and farther on down the page the words of another authority who stated that the Indian was lazy, drunken, treacherous and altogether a most disreputable character. . . .

Every bad trait that the Indian now has was taught him by the white man. Given half a show, the Indian will respond readily and would make just as good a citizen as the white man. I could say much more, but you proved that you can state the Indian's case much better than I can. May I congratulate you on your courage in taking up the cudgel for the Indian? I hope to hear more of your activities in his behalf.—Prof. E. Richard Page, Norman, Okla.

From an Authority

. . . I wish to congratulate Mr. McGuire on his Indian article in the September issue. It is simply fine and shows that the author understands Indians.—Chas. S. Moody, Major Med-ORC U. S. Army, Menan, Idaho.

"Make the Indian a Gentleman of Courage"

You are always standing for the gospel of truth in all matters, and you have again spoken the truth. . . . It is a wasteful system, the said Indian Bureau, and smells stale and graft. It seems that always in the past anyone trying to show a little interest in Indian welfare was made the center of criticism. The Indian was a "savage" and not decent enough to merit consideration. Yet I wonder how many politicians understand how thin is the veneer that covers the dormant savagery in mankind. . . . Let any civilized nation be completely isolated for a short time, two or three necessities of modern life be cut off, and time will do the rest.

No one could state the situation with greater clarity than the writer of the article; yet even the voice of Lincoln goes unheard. The Indian has no chance; he never did have any, reared as a man would rear a weak-minded child. Even the negro has had better care, more opportunity. . . .

Political races are now on, and promises are being made. Let us hope that they will be carried out with real dispatch

later on. There is altogether too much "tact" and too little action. . . .

Anyway, the old Indian can never be convicted of sinning greatly by useless speech. He was a silent fellow. Let America, by its vote, make the Indian a ward no longer, but a gentleman of courage.—Arthur Nelson, Scranton, Iowa.

From a Field Worker

I read your article in the September number, "What of the Indian?" I have just returned from the Fort Belknap Reservation, where I held field clinics and visited the homes, Dr. Livingston assisting me in this work. I am employed by the Montana State Board of Health as field nurse under the Sheppard-Towner bill, which is for the protection of the expectant mother, babies and children of pre-school age.

I was appalled at what I found in this reservation. Conditions are unbelievable. Babies with trachoma are without treatment and everyone has T. B. in some form. I held several conferences with councilmen of the tribes and found that what you stated in your article was absolutely true. A number of old people died from starvation last year, and a number now have been refused rations. . . .

We must do something to awaken the public and save the Indian.—Henrietta Crockett, R. N., Great Falls, Mont.

The Indian "Rolling Along in a Rolls-Royce"

. . . There never was a treaty made with the Indians that was not broken, and gradually he has become as much of a nonentity as it is possible for a human to become. Here and there he may be seen rolling along in a Rolls-Royce, but if he is it is because he was shunted into the unpromising portions of Oklahoma which have since turned out to be reeking with oil—not that anyone hoped to do the Indian a good or kind deed. So I am glad that in you I can find a champion for the race whose destiny was obliteration and degradation from the day the first white man showed his face on this hemisphere. It is a big thing to do, this standing up for a fellow who has practically gone under. But I do not wonder at this—Outdoor Life *always stood for something*, and the more decent was the proposition the firmer was its stand. . . .—R. L. Heiser, Mahanoy City, Pa.

Treated Treacherously

. . . The Indian has certainly been treated all along in a brutal, disgraceful, treacherous manner. The white man took his country, his home, and everything that rightfully belonged to him.

It makes me feel bad to think that possibly some of my ancestors may have contributed in one way or another to the shameful way the Indian has been used. The Indian was a *genuine American*—we whites are not.—Dr. Elmer D. Wright, Seymour, Ind.

From One Who Has Lived With Them

I have just finished reading your most interesting article on the Indian question, and on the injustices that have been heaped upon him. I am thirty-two years of age and the greater part of my boyhood was spent among the Umatilla and Nez Perces in Northeastern Oregon. I was welcomed into their camps on the Wallowa River summer after summer, and I am proud to say that it has never been my good fortune to know a finer people. They are something like children, but amply able to take care of themselves if given the opportunity that is given the people from the old countries every day of the year.

I personally know that the great injustice done the Nez Perces Indians could not be righted in ten times the number of years they have suffered.—Paul Schneider, Portland, Ore.

Approves Plan

. . . I will say that your twenty-year improvement plan for the bureau is the best theory yet. Here's hoping it goes into effect before it is too late.—D. R. Smith, Palo Alto, Calif.

of the plateau to the upper winter ranges and have quite generally defoliated the deciduous browse within their reach. The oak areas mentioned by Hal G. Evarts in his report as a possible future source of food supply have already been severely utilized. In the chief centers of winter concentration the cedar and buck brush, which form the main source of winter food, show the same conditions of extreme overbrowsing as were observed on the higher range, so that unless drastic remedies be adopted immediately it is inevitable that the available winter food supply will soon be exhausted. . . .

The conditions of forage thruout the preserve can only be characterized as deplorable; in fact, they were the worst that any member of the committee had ever seen. When not only the leaves, but the annual growth of trees, bushes, shrubs and grass, are so closely cropped that seeding is impossible the condition of the range moves swiftly toward utter destruction. . . .

The recommendations of this committee are made solely for the purpose (1) of preserving the Kaibab deer herd for all time with the maximum number of deer that the area will support, and (2) of providing certain remedial measures in the existing emergency so that the range may recuperate. We are convinced that immediate action to reduce the deer herd is dictated by every principle of wisdom and that every precaution possible should be taken to restore the range in the forest to normal conditions. . . .

The administration of national forests, including large tracts of federal domain, by the Agricultural Department thru the Forest Service must be and is based upon sound economic principles or there would be no justification for such preserves. The service should, therefore, maintain a just balance in the use and development of all the resources of this game preserve, including, besides the game, timber and grazing, and should not develop one resource to the exclusion of all others. In view of the existing emergency, however, we recommend that all stock should at once be removed from the forest, excepting the stock belonging to local settlers. The limited population of Southern Utah is dependent largely upon the stock for a livelihood and we have not the heart to recommend that the small cattle owner be entirely eliminated.

We have requested the Grand Canyon Cattle Company to anticipate the Forest Service order and to remove the remnant of their cattle at once. We recommend that V. T. Park and its immediate surroundings be fenced to keep cattle out and be permanently reserved for deer only. When after a period of recuperation of the range the Forest Service may find that additional livestock can be supported, it will then be a question of what is the reasonable or proper number of the total stock grazing on the forest and what ration should be maintained between the number of such stock and the maximum herd of deer that the range can support. Until this restoration of the range be an accomplished fact we recommend that no new grazing permits be issued and that no existing permits be in any way increased.

No one has attempted to deny that the present deer herd in the Grand Canyon National Game Preserve is much greater than the range can support in a thrifty condition. The observations of the committee during their investigation, as well as the testimony of the witnesses who appeared at the conference held at V. T. Park, put this question beyond all possible doubt. How large a deer herd the preserve could support if the range were restored to a healthy condition must remain a matter of conjecture. It is not a material consideration for this investigation. When the range conditions have been restored it will be a comparatively easy matter for the authorities charged with the administration of the preserve to determine what the proper size of the herd should then be.

Any reduction at this time must be made not only for the purpose of reducing it to such size as the range can support in its present depleted condition, but with a view to a reduction beyond what the range can now support, so that some measure of recuperation in the conditions of forage may take place. The committee believes that as an immediate remedy for the present situation no reduction of less than 50 per cent of the existing deer herd would be effective. We, therefore, recommend that one-half of the existing herd be removed and that this removal be accomplished as quickly as possible.

The committee is of one mind in the belief that the proper and logical method to be followed in reducing the Kaibab deer herd is to ship the deer alive to other localities. By this means other areas where deer are not native or from which they have been exterminated may be restocked. In certain places in the Kaibab Preserve it should be a comparatively easy matter to trap deer in considerable numbers. These could then be crated and shipped to other forests, preserves, parks or private estates, where conditions are suitable for their propagation and where proper care would be given them. We recommend that the Forest Service give deer for restocking without charge to any Federal Bureaus, State Game Commissions, Game Protective Associations, or to any individuals who will bear the expense of crating and transportation of the deer to the rail

If this method of reducing the deer herd, by removing them alive, should not prove productive of the necessary reduction, we recommend that the preserve be opened to hunting under careful regulations to be prescribed by the Secretary of Agriculture. We believe the Forest Service is in a peculiarly advantageous position for the handling of the hunting in a thoroly sane and proper manner, and we further recommend that such hunting as may be necessary in the reduction of the deer herd shall be carried out along the lines of modern and approved principles of game management. . . .

The scientific management of game by a special authority such as a commission should have the power to change regulations from year to year in order to meet the changes in the local situation. The special authority charged with game management should have sufficiently elastic powers to control not only the open seasons, the shooting areas, the refuges and the bag limits, but also the absolute numbers which may be killed in any given locality each season. Upon such principle of game management does the future of much of our wild life depend. The fundamental purpose and principle of game management is the maintenance upon a given area of the maximum breeding stock which that area will support in a thrifty condition. The excess over the maximum, which when well managed will amount to approximately the yearly increase, should be available for purposes of restocking elsewhere and for recreation and should be periodically removed to prevent an overstocking of the area.

Such a principle or system should be applied to the Grand Canyon National Game Preserve. It is, as we have shown, practically a confined area capable of supporting only a limited number of animals that is entirely under the jurisdiction of one department of the Federal Government, viz., the Agricultural. The authority for the exercise of such management exists, for the statute which created the Forest Service specifically grants the Secretary of Agriculture all powers necessary in the exercise of the system.

The Department of Agriculture is, the committee believes, peculiarly suited to and especially efficient for the management or administration in such a matter. The secretary can prescribe the areas in the preserve where hunters may be allowed. This can be done with a view to limiting the number of deer to the proper maximum and to securing the proper distribution of them on the range. It can close or open permanently or

temporarily any area to shooting and create refuges wherein game may not be disturbed. . . .

For instance, an absolutely closed season or any number of sanctuaries could be prescribed almost instantly by the mere issuance of new regulations by the Forest Service under the authority of the Secretary of Agriculture. Thru an efficient licensing system abuses could be prevented by the immediate revocation of the hunter's license for violation of the department's rules, or by refusing to issue a license to any hunter who had violated the regulations in any previous season. . . . Such ideal conditions for the effective management and control of game could hardly be found anywhere. This forest is a perfect unit for administration purposes.

If the two methods suggested above should prove inadequate for the ends desired, it may be necessary for the government officially to destroy many of the deer, utilizing the meat and hides to the best available economic advantage, altho we see many practical difficulties in the way of carrying out such a policy. For example, the various state laws which prohibit the sale of venison; the limited demands for venison; the difficulty in getting it to market in salable condition, and the expense involved in such an undertaking.

The committee firmly believes that the official killing of game when not absolutely required by the failure of other methods is contrary to all existing principles and theories of American game conservation and would not recommend the adoption of such a plan except as a last resort.

The committee recommends that whatever course the government may take in its future handling of the Grand Canyon National Game Preserve there should be placed in charge of the territory a competent game administrator.

HEYWARD CUTTING, Representing Boone and Crockett Club.

T. GILBERT PEARSON, L.L. D., Representing National Association of Audubon Societies and National Parks Association.

T. W. TOMLINSON, Representing American National Livestock Breeders' Association.

JOHN B. BURNHAM, Chairman, Representing American Game Protective Association.

Note.—Having heard that an effort was to be made to drive some of the Kaibab deer into adjoining territory, the editor communicated with Governor Hunt of Arizona, asking for particulars. The following message has been received by wire just as we are going to press: "I have authorized state game warden to make contract with George McCormick, cattleman of Northern Arizona, to herd from three to eight thousand deer across the Colorado River, up old Tanner Trail on south side of canyon, to be distributed on that side. McCormick is contracting to do this at \$2.50 a head delivered. Arrangements going forward to this end. State game warden will meet National Forest officials and McCormick to complete arrangements this week. Wild horses have been driven across canyon at same place. McCormick and others believe plan thoroly practicable. Geo. W. P. Hunt, Governor."—Editor.

seem to have been originally derived from the feudal law. A tenant was under obligation to render continuous service, and if he neglected to perform his service the lord could, by writ of cessavit, obtain possession of the fief, as such continuous service was the consideration of the grant of the estate."

A condition may be a condition precedent or a condition subsequent. A condition precedent is, as the term implies, such as must happen or be performed before the estate dependent upon it can arise or be enlarged, while a condition subsequent is one that, when it does or does not happen, is or is not performed, as the case may be, defeats the estate.

The condition attached to the Indian estate is, therefore, a condition subsequent since the title is to revert to the United States either upon the extinction of the tribe or the failure of the tribe to occupy the tribal domain, and it is concluded that the Indian estate is a freehold estate of inheritance upon condition, the title thereto being an original title of purchase.

SPEECH OF CHIEF SA-GO-YE-WAT-HA TO MISSIONARIES SENT AMONG THE SENECAS

From "Lives of Famous Indian Chiefs," by
Norman B. Wood

Chief Sa-go-ye-wat-ha, or Red Jacket, a chief of the Senecas at the time of the Revolutionary War, has been referred to as the Indian Demosthenes. He was an orator of remarkable power with a gift of eloquence that was the pride of his people. He made speeches on many occasions, notable among them one to a deputation sent out by President Washington to treat with the Six Nations.

The following reply made to missionaries sent among the Senecas is an example of the simplicity and logic that made all his speeches so convincing:

"Brother, listen to what we say. There was a time when our forefathers owned this great island. Their seats extended from the rising to the setting sun. The Great Spirit had made it for the use of Indians. He had created the buffalo, the deer and other animals for food. He had made the bear and the beaver. Their skins served us for clothing. He had scattered them over the country and taught us how to take them. He had caused the earth to produce corn for bread. All this he had done for his red children because he loved them. If we had some disputes about our hunting-ground, they were generally settled without the shedding of much blood. But an evil day came upon us. Your forefathers crossed the great water and landed upon this island. Their numbers were small. They found us friends and not enemies. They told us they had fled from their own country on account of wicked men, and had come here to enjoy their religion. They asked for a small seat. We took pity on them and granted their request, and they sat down amongst us. We gave them

corn and meat; they gave us poison (rum) in return.

"The white people, brother, had now found our country. Tidings were carried back, and more came amongst us. Yet we did not fear them. We took them to be friends. They called us brothers; we believed them, and gave them a larger seat. At length their numbers had greatly increased. They wanted more land; they wanted our country. Our eyes were opened, and our minds became uneasy. Wars took place. Indians were hired to fight against Indians, and many of our people were destroyed. They also brought strong liquor amongst us. It was strong and powerful and has slain thousands.

"Brother, our seats were once large, and yours were small. You have now become a great people, and we have scarcely a place left to spread our blankets. You have got our country, but are not satisfied; you want to force your religion upon us.

"Brother, continue to listen. You say that you are sent to instruct us how to worship the Great Spirit agreeable to his mind; and if we do not take hold of the religion which you white people teach we shall be unhappy hereafter. You say that you are right, and we are lost. How do we know this to be true? We understand that your religion is written in a book. If it was intended for us as well as you, why has not the Great Spirit given to us—and not only to us, but to our forefathers—the knowledge of that book, with the means of understanding it rightly? We only know what you tell us about it. How shall we know when to believe, being so often deceived by the white people?

"Brother, you say there is but one way to worship and serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why not all agree, as you can all read the book?

"Brother, we do not understand these things. We are told that your religion was given to your forefathers, and has been handed down from father to son. We, also, have a religion which was given to our forefathers, and has been handed down to us, their children. We worship in that way. It teaches us to be thankful for all the favors we receive; to love each other, and be united. We never quarrel about religion, because it is a matter which concerns each man and the Great Spirit.

VIRGINIA KNIGHT ILL

Miss Virginia Knight was recently successfully operated upon for appendicitis at the Langland Hospital in Ukiah. A rapid recovery is anticipated.

It will be remembered that Miss Knight recently brought successful suit to be allowed to attend the public school for white children in the southern half of the valley. The suit was sponsored by the Indian Board of Co-operation, whose Executive Representative, F. G. Collett, has repeatedly advised the Indians of their right to public school privileges. J. W. Henderson, attorney for the Board, prosecuted the case.

"Leavitt Bill" N.Y. Times - March 28, 1926

Common

made bold statement that the Judges
are full bloods, speak no English, of unquestioned
probity, & character! and further, "May often
have judicial minds." They are respected
by all Indians!

"As a rule sessions not attended by Supt

Reservation Judges full bloods

Speak no English

of unquestioned integrity + character

"May often have judicial minds"

"Respected by all ^{as} Indians"

As a rule, sessions not attended by
Supt or any other official of Govt.

"Accurate docket kept of all cases"

Punish for gambling with cards.

at".

of all cases"

books.

keep on 25 Reservation

"Leavitt Bill" N.Y. Times - March 28, 1926

~~Common~~
1. ~~Madat~~ bold statement that the Judges
are full bloods, & full no English, of unvarnished
probity & character! and further, "May of our
honor judicial mind." etc. etc. are respected
by all & done!!

"As a rule sessions not attended by Judge
or any other official of the Court".

"Accurate docket kept of all cases"
Prohibit for gambling with cards.

At present 57 Judges serving on 25 Recorders
at \$10 per month each

INDIANS INHUMANLY TREATED

By Suzanne McKelvy

I have just finished reading a keen, clever satire on the Government's dealings with the California Indians, which was written many years ago by J. Ross Brown, and published by Harper Brothers in 1864, and has recently been reprinted with their permission. I have turned away from its sickening recital of cruelties with a righteous anger in my soul, and hot tears of shame in my eyes, that any so-called civilized Government could so inhumanly treat a weak, harmless, defenseless people, who by reason of their ignorance of such manner of warfare, were peculiarly at their mercy.

After years of being hunted down and murdered, of having their lands taken from them without recompense, after seeing their wives and children killed in every cowardly and barbarous manner that could be devised with no pretense of provocation it finally dawned upon the General Government that these Indian tribes might need some protection, and in 1853 laws were passed to establish reservations for them in California. Large appropriations were made to carry these laws into effect. And, strange as it may seem, there are people today who think that the Indians are living on these reservations, under the kind and beneficent care of the Government, with all of their needs supplied. A true history of the treatment of the Indians at these reservations shows that their last state was worse than their first. When the gross misappropriation of funds became so evident, and the atrocities and murders so flagrant that public clamor called the attention of the Government to these abuses, a special agent was sent to examine the condition of the California Indians, and report the result of this investigation. It took this agent three years to complete his report, during which time he sent voluminous miles of paper to Washington, piled up proof upon proof of dishonesty, of cruelty, of misappropriation of funds, of innumerable murders, of slow starvation of almost entire tribes of Indians, and showed, to quote the author's own words, "That the results of the policy pursued were precisely as might have been expected. A very large amount of money was annually expended in feeding white men, and starving Indians." Then the author further adds that "The agent did exactly what he was instructed to do, which was exactly what he was not wanted to do."

Other agents were sent out to see if he had told the truth, and were forced to admit that he had. These men incurred the hostility of powerful senatorial influences, and lost their official heads, and conditions for the Indians instead of being improved were made more impossible.

The horrors that followed seem too terrible to write down in merely cold ink. They should be written in fire, and heralded from mountain tops.

The Indians were hunted down and slaughtered. Women and babies, boys and girls, strong and weak. All alike fell victims to the knives or the bullets of these inhuman, rapacious thieves, the white men who had settled there under official authority, and most of whom derived their support

either from actual or indirect connection with the reservation. I have quoted almost verbatim from the author in making this last statement. Do we dare call ourselves civilized? A government that would not redress such wrongs as these, has not touched the first round on the ladder of civilization.

Now I imagine that I hear some reader say "That was years ago, such things could not happen now."

We earnestly hope that they could not, and one great reason why they could not is that the Indians have been reduced to so few, and the land they now occupy no white man wants, so there is not the same reason to make wholesale killings as there was at that time. The best land, that which would produce a living, has been wrested from them, taken by force, and they have never been paid one dollar of compensation for its loss. They are a small band now. Almost too small to be in the way, but now and then one is found on land that some white man thinks he would like to have, and before you say that those monstrous cruelties could not take place in this year of Grace 1924, let me tell you that things as unjust and almost as cruel are taking place now.

An Indian may be occupying a piece of ground which he has every reason to believe he rightfully owns. He may have planted and cultivated some small crops with which he expects to provide for his family, and if some white man wants to file on a claim that takes in the home of the Indian, he proceeds to do so, and the Indian is forced to leave his house, his crop, his land, and roam through the hills hunting acorns, angle worms, and grasshoppers to keep from starving. Is that very far removed from the things we are told of in Mr. Brown's ironical article?

The Indian cannot, like the foxes, live in a hole in the ground, or, like the birds of the air, build a nest in a tree. And if he did try it, the chances are that some white man would want that particular tree for lumber, and cut it down regardless of the nest. We are a great rich country, and take a pardonable pride in the millions we give to relieve the needs of afflicted people on the other side of the sea. We should do it, but we should also remember, that anything we do for the California Indians is but a partial payment of a just debt long overdue.

As an Indian Board of Co-operation we are working to get some legislation through Congress which will give a measure of justice to our Indians. It all takes time, and work, and money. We are hopeful of getting some action on the suit for the Indian lands which is now in the Court of Appeals in Washington, D. C. The money which is needed is all raised by voluntary contributions, the Indians themselves contributing no small part of it. They are brave and optimistic almost to the last individual. No sum is too small to be of value and help to right the wrongs because of which, we must all feel a sense of humiliation. We must at least make an effort to give justice to this remnant of a once strong, powerful race.

"Give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness."

national scandal. For more than a century a race that has proved itself capable of high cultural development has been kept in a condition of involuntary servitude. Millions of immigrants were received who possessed no more natural abilities than the Indians. Full citizenship was accorded to them after the legal term of probation. The courts were open to them for the redress of wrongs from the day of their arrival.

During all these years citizenship was denied to the Indians. They were subjected to the paternal administration of the Indian Department and become the sport of partisan politics. Every race residing in this country was granted free entry to the courts, except the American Indian. Under the control of the Indian Bureau this free avenue for the redress of grievances was denied to them.

Restrictions unworthy a free and justice-loving people have been removed by the recent act of Congress. It provides that:

All non-citizen Indian born within the territorial limits of the United States be and are hereby declared to be citizens of the United States.

This bill was passed over the protests of the politicians in the Indian Bureau and in the lower house of Congress. It originally passed the House of Representatives in the following form, in which the trail of the politician is clearly visible:

The Secretary of the Interior is hereby authorized, in his discretion, under the regulations prescribed by him, to issue a certificate of citizenship to any non-citizen Indian born within the territorial limits of the United States who may make application therefor, and, upon the issuance of any such certificate to any Indian, he or she shall be a citizen of the United States.

But the Senate decided to go the whole way. The act was amended by conferring unrestricted citizenship; and when it went to conference in that form the House concurred.

By legalizing this natural right a double purpose is served: a stain upon just government in the United States is removed and the knell of the Indian Bureau is sounded. While there have been many good men in the Indian Department, the record of a generation shows that it has formed almost continuously a part of the pernicious spoils system.—Los Angeles Times, June 4, 1924.

INDIANS ENTITLED TO SCHOOLING

Common Education Small Return for What We Took From Them

It appears that our laws purport to authorize the trustees of school districts to exclude Indian children from public schools, provided there is a United States Indian school within reach.

The Constitution of the United States says that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Our State Supreme Court says that the Constitution of the United States wins. The Indian girl can go to school.

Considering that the present inhabitants of California robbed the Indians of almost every foot of land within the State, it seems like mighty small business to exclude Indian children from schools supported by taxation of what would be Indian property if the present inhabitants were not robbers. If the white race has a right to the soil of California on the ground that we can make it support more human beings than the Indians why have not the yellow races the right, for the same reason, to turn us out and move in?—S. F. Chronicle, June 4, 1924.

CALIFORNIA INDIAN HERALD WINS FAVOR

The current monthly issue of the California Indian Herald is, as we always expect, maintaining its usual standard of excellence. An artistic monochrome frontispiece, portraying Indian childhood and motherhood, is the first of many good things the reader will encounter. The publication deals with matters of interest to our Indian brothers and it presents in a lucid, attractive way the case of the Red Man seeking justice. Its reasonings are uncompromising, but never harsh or bitter. We bespeak the interest of our readers in this paper and urge them to subscribe for the sake of a good cause. Only \$1.25 a year. Further information at The Prospector office.—Tuolumne Prospector, Friday, June 13, 1924.

actors, is director of the exposition. Picasso also has some exhibits, and a performance of George Antheil's symphony for ten electrical pianos, four electrical drums, and four electrical xylophones is also promised.

The movement which the exposition illustrates has, to be sure, its comic side, but at bottom it is an attempt, which has already borne fruit, to expand in different directions the possibilities of the theater. It is based upon a realization that there are potentialities in the spectacle which are not confined to the presentation of realistic literary plays in a realistic setting. Even the most extreme of its experiments serve at the very least to test the limit to which any particular source of appeal may be pushed. One need not wish to see all scenery and all actors banished from the stage to make place for shifting lights and shadows, and one need not believe that, in the words of the official spokesman for the exhibition, "the literary theater is dead" because "this is an optical age." But one cannot deny that those whose enthusiasm for new modes of expression leads them into the most sweeping of dogmatisms have made contributions which more conservative directors have been glad to use. The theater represents a synthetic art, but the pioneer has generally little temperamental sympathy with synthesis. He rides his hobby as far as it will carry him, and it is none of his concern if one of his fellows has ridden an equal distance in the opposite direction. While one director is banishing the actor completely in order to make a scenic spectacle the all in all, another is banishing, as the Moscow Musical Studio did, all decoration whatsoever and attempting to make the stage nothing except a place upon which people can act.

In viewing the exposition one cannot but observe that the general tendency is in a direction diametrically opposed to that Oriental opulence of color and that rather feminine exuberance of facile decoration which the influence of Bakst made for a time the fashion in American theatrical spectacles. France still leads in charm, but perhaps because of the leadership of revolutionary Russia a certain austerity of form is a common element in nearly all the most interesting designs whether they take the form of cubistic masses, mere platforms, or those strange arrangements of levers and wheels affected by the constructivists. Some of them are merely ugly, but there are others which achieve a surprising beauty which seems wrested, as it were, from forms which in themselves promise nothing; as though the artists who constructed them had gone forth resolutely into an ugly world and, scorning any escape, had demanded that it yield up to them some loveliness. One cannot, of course, judge very surely of the effectiveness of any theatrical setting without seeing upon it the action for which it was designed, but, to take a single example, the block-stage would, we fancy, fit admirably the requirements of any play which possessed an abstract austerity corresponding to its forms. Here amid the uncompromising outlines of its masses which seem to suggest the immovable weight of our industrial civilization might be acted some stark tragedy of industrialism—the story of a commercial King Lear or of some proletarian Antigone. Granted a sufficient elevation of tone, no play needs realism; but it does need some *mise-en-scène* which will fit its mood. The Greeks thought in terms of slender columns and graceful capitals; a section at least of the world today thinks in terms less serenely beautiful, and if from that section should come our great play it must have a setting like itself.

The Lee's Ferry Bridge For Whose Benefit?

ON February 25 a Washington dispatch reported that "with more than half a dozen Senators barricading themselves behind cloakroom doors, the Senate was unable tonight to obtain the quorum necessary to decide whether the Navajo Indians are to be taxed \$106,630 for the construction of bridges from which, it was admitted, they will not benefit."

The proposed appropriation, along with \$100,000 furnished by the State of Arizona, will be used mainly to build a bridge across the Colorado River at Lee's Ferry, Arizona. The first-named sum would seem a modest one were it not that the measure calling for it provides that it shall be reimbursed to the government from Navajo Indian funds obtained through the sale of oil on the Navajo Reservation, which extends westward as far as the Colorado River. One hundred thousand dollars is certainly a good deal of money for the Navajos to pay unless the bridge is to benefit them greatly. Secretary Work says that it will—that it

will furnish an important outlet for the Navajo Indians, facilitating their communication with the whites, and assisting them in their progress to a more advanced civilization. . . . In view of the fact that they will derive great benefit from the proposed bridge, estimated to equal the benefit which will be derived by the white settlers, it would be reasonable that the \$100,000 . . . remain a charge upon the lands and funds of these Indians until paid.

The American Indian Defense Association, unwilling to take Secretary Work's word for this, has investigated the matter and published its conclusions. The bridge will furnish the Navajos an outlet into a region which has never interested them and never will do so. If they want to cross the river after deer they can use the existing ferry. More than that they scarcely will desire, since the regions of Arizona and Utah which lie opposite this portion of their reservation—the thinnest populated portion of all—are the least occupied inhabitable regions of the United States. The few whites who happen to be there are notorious for their hostility to the Piute Indians of southern Utah, and only three years ago "civilized" Old Chief Posey and his band with a lynching party. The advantages to Navajo trade will be nil. Salt Lake City, which the bridge will make accessible to the reservation, is from six to ten times further away than the trading posts southward along the Santa Fé Railway—Flagstaff, Holbrook, and Gallup. And finally, the Navajos need this \$100,000, payment of which will exhaust their annual revenue from oil, for their fight against trachoma, from which a third of them suffer, for the digging of more wells to supply their sheep, for the improvement of their roads, and for the education of their children, most of whom have no schools to go to.

Who will benefit by the bridge? Automobile tourists between Salt Lake City and the Grand Canyon, between the Santa Fé route and the various northern trails, and between the national parks north and south will be excellently served, and possibly it is well that they should be. But no discoverable good will be done the Indians, most of whose accumulated capital will thus be wiped out. It seems plain enough that the burden should fall upon the tourists themselves through taxes, upon the national park system, and upon the State of Arizona. It is to be hoped that Congress will refuse to further Secretary Work's grotesque proposal.

The Rising Tide of Prejudice

IT was Booker Washington's theory, widely proclaimed and usually applauded by Southern whites, that if the Negroes only learned trades and proceeded to follow them diligently and to mind their own business all would be well and they would become happy and prosperous. Well, one colored man, A. J. Herndon, took that advice, became a barber and developed the largest and finest barber shop in the city of Atlanta, well situated on the main thoroughfare. Reinvesting his profits he made \$100,000 in Florida real estate, built a modern office building in Atlanta, and organized a life insurance company with a capital of \$100,000. What has happened? Instead of receiving the plaudits of the city the Council of Atlanta has passed an ordinance prohibiting Negro barbers from serving white patrons. The attack originated apparently with the white barbers' union which skilfully took advantage of the craze for bobbed hair and had much to say of the shocking sight of seeing white women having their hair cut by colored men. This means the wiping out in Atlanta of barber shops for whites representing an invested capital of \$200,000. What is more remarkable is that it is only a few years since any white men could be found in the South to perform this "menial" service for anybody. Thus the reward for virtue, industry, and thrift for colored barbers in Atlanta is their being deprived of their livelihood unless they can replace their white patrons by colored ones, which at best means a reconstruction of their business and the removal of their shops.

This ordinance was not passed unwittingly and thoughtlessly, as the weak-kneed *Atlanta Constitution* declares, but by a majority of the members of the Council. The bravest and most worth-while paper in Georgia, Julian Harris's *Columbus Enquirer-Sun*, not only gives the lie to the *Constitution* and its flagrant warping of the truth in stating that no thoughtful and honest Negro leader in Georgia will declare "that Georgia does not treat its Negro fairly in every way," but quietly asks why the Atlanta Council should not prohibit banks conducted by whites from receiving deposits from Negroes and also the employment by whites of Negro cooks, Negro nurses, and Negro laundresses. It also seeks to know why Negroes should not be barred from all department stores, or any other stores in which white clerks have to wait upon them. Logic would dictate this and many similar courses. Incidentally, the *Enquirer-Sun* asks the *Constitution*, which is so afraid of the Ku Klux Klan and other anti-Negro elements, if it ever heard of the case of a Klansman by the name of Fox who entered the office of a Mr. Coburn and assassinated him, and of a Negro by the name of Hicks who stole a mule worth \$50? Hicks, the Negro, was sentenced to twenty years at hard labor for taking the mule, and Fox, the Klansman and white man, was given ten years for murder. Thus is justice dispensed to the Negro in Georgia! Fortunately, the protests from individuals and from various other Georgia newspapers besides the *Enquirer-Sun* have thus far prevented the mayor from signing the ordinance. But it has not yet been rejected.

In Virginia there is Hampton Institute, one of the great institutions of the South, which has also been practicing the doctrines of Booker Washington in that it has been preparing the Negroes for trades ever since the Civil

War. If there is a more valuable institution in Virginia we do not know it. As our readers are aware, it has been the pioneer in the industrial education of the Negro; by the sanity and strength and power of General Armstrong, the founder, and his successors, it has been a great influence for civilization for both whites and blacks. For years the whites from neighboring towns have gone, often uninvited, to the excellent entertainments offered at Hampton. Now at the instigation of a local editor a bill has been passed by the House of Delegates in Richmond, with only two dissenting votes, forbidding the sitting together in any gathering within the State of Virginia of white and black people. It is a general bill pretending to apply to the whole State, but deliberately aimed at Hampton because the white guests at the Hampton entertainments have sat alongside colored students and teachers. If passed it will seriously interfere with the efficiency of Hampton which has always had white and colored members on its faculty. It will place the school's administration between the devil and the deep sea, for the colored people will not come to Hampton as they have heretofore, if there is to be segregation within its walls. Should the Governor sign this un-American and undemocratic bit of special legislation we trust that the school will take its constitutionality up to the Supreme Court if necessary, and, if it loses, remove the school to a civilized State. Hampton has contributed enormously to the material and social progress of Virginia. If this piece of prejudice is really enacted into law, the State should lose the school and the entire country be notified that Virginia is insincere when it declares that it wishes the Negro to be trained along industrial lines and to be treated with justice.

The New Stage-Craft

THE strange but extraordinarily effective stage-setting used by the Moscow Art Theater for its production of "Carmencita and the Soldier" affords but a mild example of the results of the theatrical radicalism which is agitating the producers of all European countries. The International Theatrical Exposition now open for a short time at Steinway Hall will, however, afford to New Yorkers an admirable opportunity to get some inkling of the extent and variety of the movement, for the exhibit, originally a part of the Exposition des Arts Décoratifs at Paris, but now enriched by various American additions, includes models supplied by the experimental theaters of eighteen countries. The Odéon is not too tame nor Kiesler too wild for the catholic taste of the committee, and here by consequence one may get some idea of the whole range of experiment from its timid center to the very extreme of its lunatic fringe. Cubists, synthesists, constructivists, and bio-mechanists have been allowed to do their best or their worst, as the case may be, and the result is a stimulating chaos amid which one may distinguish the confident voice of many conflicting creeds. The Austrian Fritz offers his block-stage with its flexible arrangement of cubistic masses; Prampolini of Italy illustrates the possibilities of his "Poly-dimensional Stage"; Tairov presents some models from his famous Kamerny Theater in Moscow. Friedrich Kiesler of Vienna, who "believes that the future city must be built entirely in space, free from the ground," and who has invented a theater without either stage or

THE "BLACK CURSE" OF THE OSAGES

Literary Digest, April 3, 1926

BLACK gushing oil—heap big money—curses the Osage tribe of Indians to-day, laments a writer familiar with the facts. Murder, violence, unhappiness, run riot on the Oklahoma reservation where the stake to-day is not the old yearly dole of \$40 government money, but \$13,200 oil money per Indian! There are about 2,200 Osages in the tribe. Schemes to make them spend their money florish; "bad men" swarm in for easy living; it has become a land of mysterious events and sudden death, as Homer Croy describes it in *Liberty*, and he tells us:

Seventeen of that little tribe of Indians have bitten the dust in the approved manner when the white man wants what he wants. They have been shot in lonely pastures, bored by steel as they sat in their automobiles, poisoned to die slowly, and dynamited as they slept in their homes—all because of the curse that has fastened itself upon the tribe.

The curse came in earnest, says Mr. Croy, in 1922, when—

Anna Brown of Gray Horse was found dead in a lone canyon on Three-Mile Creek with a bullet hole ranging downward through her head. Her skull is now in the possession of the United States Department of Justice. Everybody knew that she was wealthy in addition to the annual oil money that was pouring in to her. A feeble attempt was made to solve the mystery, and then it was dropt and not a great deal thought about it, for in that section an Indian more or less doesn't count much. There is a general feeling that the sooner they are got rid of the better.

A few weeks later Henry Roan Horse, Anna's cousin, was found dead in an automobile with a bullet hole through his head, and no clues.

The following week Charles White Horse, a relative of Anna's, was found dead in a pool of blood.

Again: George Bigheart, a strapping, husky Indian, began to feel ill and at last was taken to a hospital in Oklahoma City, protesting that a certain powerful cattleman in that section must not see him. But the cattleman insisted that he was coming to see him and George Bigheart, terrified, telephoned for his lawyer. The lawyer came, and what happened nobody knows—at least no one will tell—but the next day the Indian died, suddenly and mysteriously, frothing at the mouth.

The next day the lawyer got on the night train for Pawhuska, but he never arrived in Pawhuska. He put on his night clothes and turned out the light and got into his berth. That was the last time he was ever seen alive. The next day his body was found on the railroad right-of-way with a pistol hole through his head. A pistol shot had been fired on that train and a body pushed through a window, but no one had heard or seen. Or so they said.

Other things began to happen in that land of sudden and mysterious death, and the sinister tale has unfolded itself in startling chapters of the daily news.

There was Henry Grammer, champion rope-thrower of the world. He had aroused the enmity of powerful interests in

Oklahoma, and he knew more than he should know. One day he was out in his car driving when the steering gear became unmanageable, the car ran off a culvert, and he was killed. Certain people in that section, it is said, are handy with tools, and so another mystery was added to the growing list.

To the strangeness of it was added the fact that all these deaths occurred among Indians who had money or among whites who stood in the way of that money passing into white hands.

Living in Fairfax, Oklahoma, was a white man of the name of W. E. Smith, who had an Indian wife. One night his house suddenly leapt into the air and came down a pile of débris—dynamite. Smith and his Indian wife, who was going to receive oil money, were killed.

There was an investigation in January, says Mr. Croy, who thinks that probably there will be another "to determine why seventeen innocent Indians have gone to their happy hunting-grounds by methods that would have made Sitting Bull seem like a ministering angel of mercy." If all this is true, why aren't the guilty whites punished? he questions, and he answers, "the thing is to get witnesses."

The Government procured indictments of a wealthy rancher and a farmer, charging them specifically with the murder of Henry Roan Horse, and an additional indictment against the rancher for the alleged dynamiting of W. E. Smith's home.

More than a hundred witnesses were summoned, but they were afraid to testify.

There was a hitch in the prosecution against the rancher at the January 23 hearing, when the Federal court sustained a demurrer charging that the indictment had failed to specify whether the killing had taken place on restricted Indian land. As the jurisdiction of the Government depends on this point, a new indictment must be obtained. The government prosecutors are endeavoring to show that the accused man inspired and paid for the killing of Henry Roan Horse, W. E. Smith, and the Smith family.

In the meantime the curse goes on. Where it will end, no one knows. The Osages grow richer each year, and where there is sugar the flies collect. Indian oil protection extends to 1946, and for twenty years more the Osages will have money—that is, unless the red hills no longer spout black.

Short of murder, devious ways aplenty are used to get the Indian's money. Whites camping on the rich trail, we read, comprise schemers, crooks, floaters, "the backwash of the oil-fields, uneducated, rough men, many of whom were convicts; for the Osage country is the stamping-place of the bad men, bandits, card-sharps, former cow-punchers now looking for an easy living, gamblers, and roustabouts. Indians love to gamble—and so do most of the whites in Oklahoma."

But there is more than one way to skin a cat. The whites began to sell diamonds, jewelry, rare vases, and fine rugs and tapestries to these simple people. The whites built houses for them, and it increased the death-rate of the Indians. What the

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PERSONAL GLIMPSES

Continued

Indians really wanted to do was to live outdoors, in tents; they liked to live in their village with their pets around them, their coyotes and raccoons and talking crows. The whites sold them expensive sets of knives and forks, the latest and most expensive from Fifth Avenue—and the Indians put their food in a big yellow bowl and, squatting around it in the yard, reached in and ate with their fingers, while the knives tarnished in the kitchen. I have seen them use the big cut-glass bowls the merchants had sold them to wash their vegetables in, and cloisonné vases to hold their baseball bats.

They bought pianos and talking machines. Then came the radio. The prices some of the Osages paid for radios are extraordinary.

A couple of aviators rigged up an old airplane and came to Pawhuska. They charged twenty-five dollars for five minutes' ride. The Indians lined up with the money in their hands. The airmen took them up and just before the time was up they would ask them if they wanted to ride more, and so another five minutes would go by, and then another. When the Indians came down they were amazed at how much of their money had taken wings.

And then we are told of more subtle methods of approach, devices couched in legal phraseology decorated with seals, wound around with much red tape and charged with all the white man's well-known ingenuity.

Of the institution in Oklahoma known as a guardian—a person corresponding in a way to a guardian for a minor—Mr. Croy writes:

The idea is good—but there are guardians—and guardians. Most of the guardians were selected from people immediately around the Indians, on the principle that they could keep their benevolent eyes trained on the guileless Indian and help him to spend his money to advantage. Soon the Indians, beginning to learn the ways of the white man, found that they could not buy without their guardians telling them where to buy. They must buy their automobiles where the kindly guardian said, and they must take it to be repaired to the garage he wished it taken to. But sometimes the guardian gave them the choice of two cars, or of two garages. Oh, he was most helpful! And when the car got banged about a bit, the guardian told the Indian that he would permit him to buy a new car.

Everywhere are lawyers—lawyers to the left and lawyers to the right. An interesting thing to note here is that under the old guardianship law a lawyer could be appointed to handle the estate of an Indian and he was allowed one-fourth of the estate for managing it. Last year, however, this law was set aside and legal tears were shed all over the country.

Before Mr. Croy went to Pawhuska—the so-called capital of the Osage Nation—he was told that it was a town of 8,000 and he expected to see a small, dreary one-horse town. But, on the contrary—

I was never more surprised in my life, for instead I found marble office buildings,

smart Fifth-Avenue-looking shops, and magnificent custom-built cars rushing by—prosperity is the keyword. But well it may be; for since the coming of oil \$180,000,000 has been dumped into that little town.

Then, too, there is this shady side of greedy irresponsible invasion:

The Indian girls are pretty up to a certain age, attractive creatures in spite of their white-people clothes. Rough, swearing, illiterate men came with smiles on their faces, met the Indian girls, and the trusting girls were flattered—they were being courted by white men. There would be a short, perfervid romance and the Indian girls would find themselves married to these rough-drillers and rig-builders, or coming home with unwanted babies. The men got their oil money, spent it, robbed them, and then deserted them. But the girls could not go back to their tribe; they became outcasts, wanted neither by the Indians nor by the whites.

Peculiarly pathetic is the story of John Stink and his dogs, which Mr. Croy tells as an example of the "curse" that has struck the simple Osages:

John Stink was a plain, simple "blanket" Indian. One day he fell ill of smallpox. He grew worse and worse; the medicine men of the tribe came with their incantations, but John Stink sank lower. Finally he was taken outside the Indian village to die, the medicine men said their last words, and he was consigned to the Great Spirit.

But by some miracle John Stink did not die, altho deserted by his people and shunned by the whites. He lived and finally was able to walk and go about. But he could not return to his own people, because to them he was dead. Hadn't the greatest medicine men in the tribe pronounced him dead and consigned him to the Great Spirit? And he was dead in the eyes of the tribe; none of the other Indians would have anything to do with him. He could not be received back into the tribe and so he became an outcast.

John built himself a little tin hut out of oil and gasoline cans, and began to gather dogs around him; they were his only companions, and he lived for them with the passion for animals that an Indian has.

Once a week John went to Pawhuska to buy food and smoking-tobacco. One hot August day he started on the two-mile walk to Pawhuska, his dogs leaping and running about him. A mad-dog scare had broken out in Pawhuska and the constable was to be paid for each dog that he killed. He spied John Stink moving along the burning road with his rich argosy, and descended upon them with his popping pistol. At first, amazed and incredulous, the Indian begged the constable not to harm his pets—he would take them back to the country immediately, he promised. But only the popping pistol replied.

As one after another of his dogs lay twitching in the dust, John Stink almost went mad. At last there was only one dog left and it ran frightened and cowering under the porch of a house. Getting down on his knees, the constable poked the pistol between the slats and again nobly discharged his duty. But the dog was not quite dead. John Stink, now cursing the whites, picked up his last dog and started for his little tin cabin. But it died in his arms.

Since that experience John has hated all white men. He now lives in solitude, speaking to no one—a lonesome, bitter, rich man with an income of \$13,200 a year.

and hope to receive another invitation soon.

We are beginning the second year of vocational class work and find harder tasks than last year's were. We are trying very hard to get our lessons so we won't have to visit the seventh grade again. We like our teachers and hope to gain much from their talks and advice.

What The Indians Bought

Some interesting sidelights on the dealings of the Hudson's Bay Company's agents with the Indians of Northern Ontario nearly a century ago are shown by the entries in a book of records just recovered from an old desk found floating on the Ontario side of Lake Timiskaming.

Part of the volume is missing, but apparently the records are those of the agent and his assistants established at a trading post on Lake Timiskaming. The records cover parts of the years 1830-35.

Most of the entries have reference to payments made in goods to Indians for the long trip to Moose Factory, on James Bay, perhaps in time the terminus of the Timiskaming & Northern Ontario railway. The journey appears to have occupied from two to three months, and the redskins received 5 pounds—goods to that value, at least—for the voyage. The custom appears to have been to advance a certain quantity of supplies at the Timiskaming post, while the balance was paid to the Indians at Moose Factory.

Powder and shot, ribbons, blankets, tobacco, knives, wearing apparel, corn, flour and an occasional purchase of rum are the principal entries, and the values in those far-off days make interesting reading in the light of present-day prices.

Three pounds of flour cost 25 cents, which was also the price of a quart of rum, a pair of mooseskin shoes or five plugs of tobacco. A supply of ammunition for the chase meant an outlay of \$2.50. Green and red colored cloth came high, costing \$1.25 a yard, while the price of 10 cents a pound for sugar will bring back memories of the war period to the present generation.

The barves could deck themselves out in corduroy trousers for \$2 and could add a vest for a similar outlay. If they bought ribbon for the squaws at home they were called upon to expend 12 cents a yard for this article of adornment. Three point blankets cost \$2.50. A man's calico shirt was valued at \$1.50, and a scalping knife could be secured for 12 cents. Soap cost 50 cents a pound. One ivory comb was priced at 25 cents, and the price for fine blue cloth was \$2 a yard. A bag of corn was entered at about \$4.00—Santa Fe New Mexican.

Sherman Prepared for the Redlands Game

With a light scrimmage on Tuesday with Corona, Coach Pierce has been spending the remainder of the week in developing a punter and the weak places in the line, for the coming tilt with the University of Redlands, at Redlands on Saturday.

Coach Pierce is well pleased with the showing the squad is making at present, but is shy a punter, since Heston Pierce left the squad. Ross Julian will probably do most of the punting this season unless some other candidate shows he can boot the pigskin too. William Lorentino is proving to be the best line plunger so far and he will be started in the game Saturday at the fullback position. Linton, Julian and Begay will compose the other backfield. Capt. Joe Scholder and Jose Welmas, veteran ends, will take care of those positions to start with. Parker and Keams will handle the tackle positions. Willis and Roosevelt are two fighting guards that want to be watched. Nick will do the passing, from center. These men will start the game against the Bulldogs, with lots of good material ready to step in at a moment's notice.

Blackwater, Chester, Blacktooth, Bazadi, Lomas, Elmore, Gould, Manuel, and others have all been showing up well, and will no doubt have a chance to work in Saturday's game.

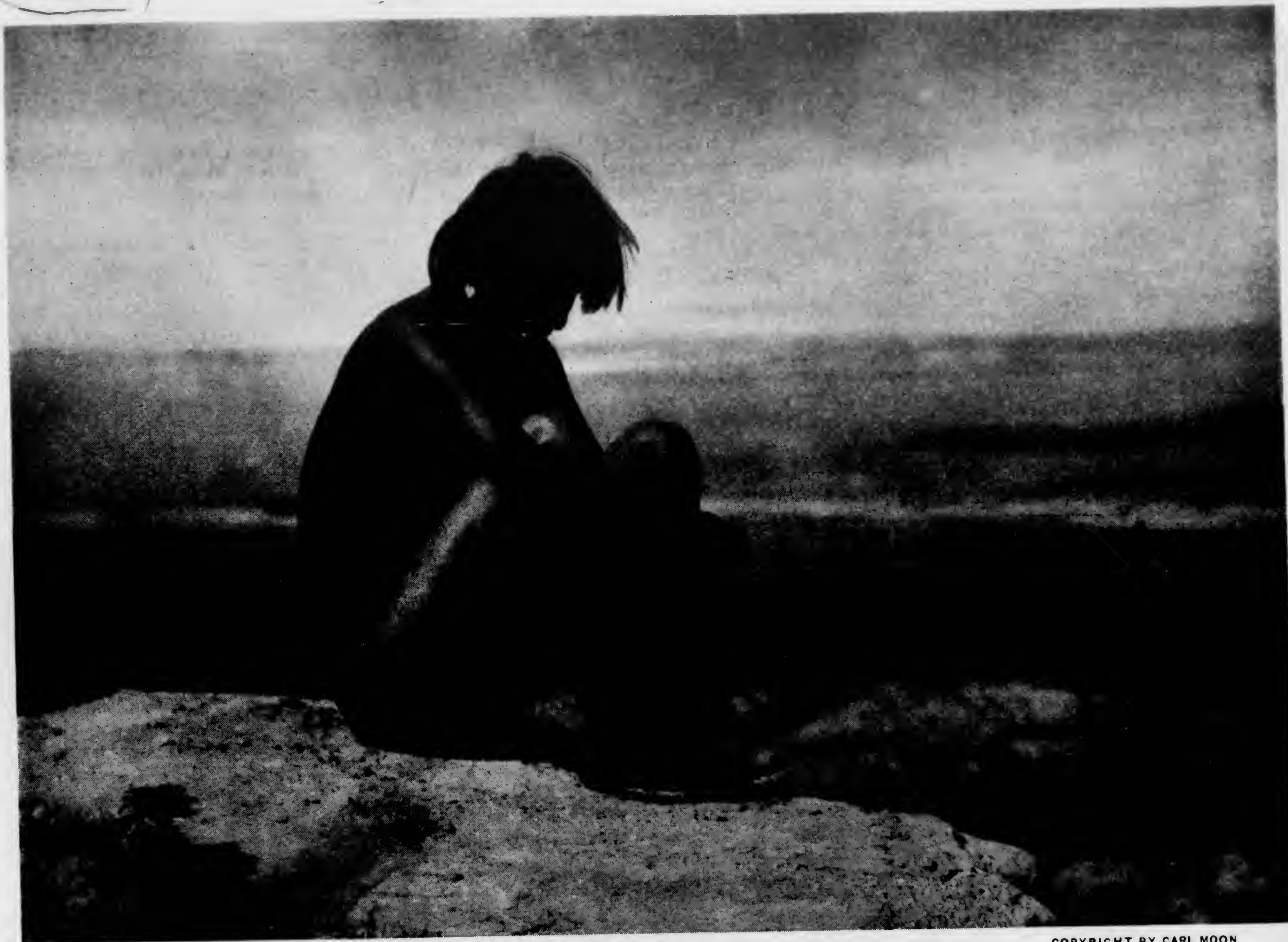
Mr. Jamison has completed the schedule for the season and from the looks of the bill a fare, "season ticket holders" will get their moneys worth.

The complete schedule follows:

- Oct. 4--Redlands U. at Redlands
- Oct. 11--Long Beach at Long Beach
- Oct. 18--Santa Ana J.C. at Sherman
- Oct. 25--San Berdoo Legion at Sherman
- Nov. 1--Occidental Frosh at Sherman
- Nov. 8--Santa Fe Shops at San Bernardino
- Nov. 12--Phoenix Indians at Phoenix
- Nov. 15--Tempe Normals at Phoenix
- Nov. 22--Loyola College at Sherman
- Nov. 27--Open

Twenty years ago Wednesday (Oct. 1), Sherman Indians held the University of California football team to a 6 to 0 score, at Berkeley.

Mr. H.E. Mitchell, our chief clerk and disbursing officer, was manager of the team and William Warner, brother of Pop Warner now coaching Stanford was head coach. Other members of that famous team who are on the campus are: Mr. Scholder, mason; Mr. Lubo, assistant engineer; and Seferrano Majado, assistant carpenter.



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The pathos of the race that once owned the continent is expressed by this tragic figure

The Red Slaves of Oklahoma

By John Collier

Author of: *The Fate of the Navajos*

THE Ku Klux Klan is powerful in the sovereign state of Oklahoma. It watches jealously over the morals of Oklahomans. It punishes bootleggers with the whip. It tars and feathers those leading—or merely suspected of leading—a loose immoral life. But there is not on record an instance in which the Klan took action to curb the greed of professional guardians who are plundering the estates belonging to red minors or “incompetent” Indians.

In Oklahoma peonage and slavery still exist, but their victims have a red instead of a black skin. In Oklahoma guardianship over Indians is a profession and a lucrative business. Thousands of Indian minors, thousands of Indian adults released from supervision by the Federal Government and declared competent to manage their own affairs, have been enslaved by the state courts, their persons and their property have been placed in the hands of professional guardians who in many

instances initiated the court action through which the victim was robbed of his rights as a citizen.

WHEN oil was discovered in Indian lands in Oklahoma, legalized slavery came back to that state. Thousands of Indians, minors and adults, were placed at the mercy of professional guardians with the connivance of the state courts. The shameful story told by the official records is related by John Collier, who also analyzes the results of the National Advisory Committee's conference on Indian Affairs.

—The Editors.

Mr. George A. Johns is testifying on behalf of Mr. Kimbley, professional guardian of Indians, in the Oklahoma court.

Mr. Johns: “I have heard the petition and have some occasion to know something about the work Mr. Kimbley has performed. I know the estate has been very carefully managed and I should think that this first year five thousand dollars (from the estate of a young Indian girl) would not be unreasonable for sixteen months.

The Court: “I do not think it is exorbitant in this case because I know that there is not a week passes hardly but what Mr. Kimbley has to take her to the picture show and he waits outside to take her home. I will make an allowance of five thousand dollars.”

Millie Naharkey, eighteen years old in June, 1922, had

And when the Indian and his property have been supplied with a guardian, what happens? Here are a few examples, taken from the official court records:

a more thrilling experience than a weekly visit to the picture show. Millie was owner of a valuable allotment of oil land which had been coveted for some

time by the Gladys Belle Oil Company. A few years before she came of age, employees of the company arranged with her half-brother to take the family for an automobile trip of several weeks round the country. The party went first to Missouri and later to Kansas. It was composed of several men employed by the oil company, some women who accompanied them, and Millie Naharkey, a very shy and timid girl, with some other members of her family. They were constantly in touch with the attorneys of the Gladys Belle Oil Company and were constantly supplied with whisky. In the course of the trip Millie was intoxicated, terrorized, and induced to sign conveyances of her oil property. Full details of the party, mostly unprintable, are set forth in the testimony later taken by the District Attorney's office.

Martha Axe Roberts, a Shawnee woman, married an Osage. Her husband died and the local Court designated a guardian who demanded that she remain in Osage county lest on her return to the Shawnee country the plum of guardianship might be transferred to another guardian. Nevertheless Martha fled to her Shawnee people whose language she could speak; and there her deceased husband's child was born.

A Horrible Case

What thereafter happened did not take place in feudal France or the Belgian Congo, but in the United States. The guardian refused to pay her a cent of money. She refused to yield. "These are my people and my family, and I and my baby are at home here," she said. Then the guardian went to Craig county where the Shawnees live. Through the local court he took possession of Martha's stove, her bed, her chair and all her personal effects. Still she resisted, saying, "My people are very poor but they will feed me." They did feed her. The guardian went further. He advertised in all the local papers that being the owner of this woman (he used legalistic words, of course), he here made known to all that no bills contracted by her, of any description, would be paid.

Her baby became ill. She had no money. As a matter of course no doctor would come, for the slave-owner had made known his will and the slave-owners are great in Oklahoma business and politics. The baby died for want of medical attention.

These cases are chosen from among thousands. No, this is not Oklahoma Klannism. The horror was going on long before the birth of the Klan, since 1908,

and tens of thousands of Creeks, Shawnees, Cherokees, Osages and other Oklahoma Indians are in the grip of the system.

How is it "worked?" First, how was it "worked" in Congress? For this enslavement of Oklahoma Indians rests directly on a Congressional statute. Said Congress, in 1908: "We have civilized these Indians. Now we are going to emancipate them; we are going to remove restrictions on their property." This was the slogan. So it was legislated that the persons and property of the minor allottees of the Five Civilized Tribes should be subject to the juris-



In Oklahoma an Indian woman lost her baby because the guardian would not allow her to have medical attention

diction of the probate courts of the State of Oklahoma. Subsequent enactments created a similar status for the Quapaw and Osage tribes. The probate courts in turn construed that "minor" meant "incompetent" as well as "under age," and arrogated to themselves the determination of whether an adult Indian was incompetent. This procedure by the Oklahoma local courts, never successfully contested, threw the peonage-net over children and grown-ups alike. Twenty thousand Indians with their dependents are now in the net.

How do the local courts decide that an adult Indian is incompetent and therefore should be delivered over to a professional guardian?

Here are two cases.

Susanna Butler, a full-blood Creek girl, has an income of \$500 a month collected by the Indian Bureau and paid over to her estate. Action was brought to declare her incompetent. The evidence was that she spent all her income. She loved to take her girl friends on trips and maintained a sort of community center. No allegations of mental or moral incompetence. The County Court held that she was incompetent and named a professional guardian.

Minnie Bear, a young, industrious full-blood Creek woman, ran a farm with her half-brother's help. Oil was discovered on her allotment, and action was started to declare her incompetent. The evidence was that she had managed, through her industry and her royalties, to save up \$2500 in the bank, to acquire a Ford truck and to buy \$2000 worth of livestock. She was a thrifty woman, and from the standpoint of the neighboring stores was not a good spender. On this evidence alone she was declared incompetent and her property and person were remanded to a professional guardian.

Local Greed

Let us watch the system in operation. The wealth of Oklahoma Indians is a by-word. Thousands of them have nothing at all but thousands are rich through oil. Millions a year in royalties and other income, and ultimate values of hundreds of millions are the stake in this professional-guardian game.

The local judges are elected by popular vote. The judges appoint the guardians. The guardians hold or dispense the money. This money is kept in the local banks. The guardians require that the Indian wards shall purchase at this store, not that one. The guardians sell Indian real estate—on terms which the guardians fix. They invest Indian money in real estate or otherwise according to their discretion. Supplementing the guardians are the lawyers whom the guardians name with the court's consent. These lawyers and guardians are active in the election of the judges. They serve and control the political machine as a whole. Incidentally they appropriate to themselves (all this is strictly legal, be it understood) substantial portions of the Indian estate. Away back in 1912 it was proved by M. L. Mott, then the Creek National Attorney, that the cost of administration of Indian guardianship averaged one-fifth of the amount handled, while in white cases in Oklahoma and elsewhere it was only 2 per cent or at most 3 per cent.

A case of recent record is as follows:

The guardian received \$300 a month. The Court appointed a co-guardian to help him, at \$300 a month. The guardian retained an attorney at \$250 a month, the co-guardian retained an attorney at \$250 a month. This is the legally—in effect, if the Congressionally—authorized part of the graft. It is only the beginning, but the remaining part does not usually become accessible in official records. There are cases which suggest a delirium of fearless and grotesque wrongdoing that makes one dizzy. Here is one:

Allie Daney had an allotment of Indian oil land which could have been leased for a bonus of some \$10,000 in addition to the usual royalties. The guardian entered into an agreement with a friend by which he as guardian made the lease for a nominal sum and was to receive personally a part interest in the lessee's profits.

The friend—the lessee—failed to "divvy up." Thereupon the guardian brought an action to set aside his own lease on the ground that in making it, he, the guardian, had entered into a conspiracy against the interest of the ward. And to cap the climax, the guardian charged the expenses of this suit by himself against himself, to the ward.

Has the reader ever heard of Kate Barnard? This little lame woman of Oklahoma tried, ten years ago, to smash the "system." She became the pet hatred of Oklahoma society. As the Bolsheviks hadn't enriched the American language at that time, she was called "pest," "betrayer of her community" and "hysteric." She failed, failed utterly, but her struggle will be remembered when the continuing Century of Dishonor is fully recorded.

Yet the facts which are given here, or facts identical with them, are many years



These crumbling houses of Picuris Pueblo were abandoned after squatters seized the Indians' agricultural land

old. The present Commissioner of Indian Affairs when in Congress in 1912 described and denounced the "system." Franklin K. Lane knew of it. He wrote Mark Sullivan in 1913: "I have had an examination made into probate matters in Oklahoma, and found an appalling condition of things. In one county where there are six thousand probate cases pending, all involving the interests of Indian minors, the guardians in three thousand cases were delinquent in filing reports, and otherwise in complying with the law. This week I have arranged with the Five Civilized Tribes to institute a cooperative method of checking up all of these accounts and giving them personal consideration; especially appointing an attorney to look after the interests of these minors in each of the counties in eastern Oklahoma. We are to aid the Oklahoma courts in cleaning up the State. Let me have any facts that will be of help."

Just one thing the Federal Government has done in all these years to mitigate the demoralizing collective crime which Con-

gress had legislated into existence. Let such friends of the Indian as are merely playing at reform—those many enthusiasts who assume that gestures are deeds—learn from this "reform" the sort of thing that it is not worth while to do.

In 1914 the Indian Bureau at Lane's urging determined that something must be done. It was done, in the following form. Congress was asked to appropriate about \$100,000 for the employment of lawyers by the Indian Bureau, to act in some fashion as protectors to the peonized minor and incompetent Indians of Oklahoma. Congress generously responded and the lawyers were put on salary. They did not take the place of the professional guardians, co-guardians, lawyers and co-lawyers appointed by the local Courts to batten on the Indians, but were

present to intervene as they might be able, under the impossible law as it stood. The appropriation was continued—in 1919 it was \$85,000, and the "reform" still goes on. To what effect? These Government lawyers are local to Oklahoma and are mostly young men who when they pass out of Government employ must practise before these County courts; they have political and business careers at stake and not many of them have shown a disposition to become Kate Barnards. The local courts on their side have held that they were not bound to pay any attention to the recommendations of these Government probate attorneys, and the Government attorneys themselves state that it is only by keeping on friendly terms with the judges that they are able to accomplish anything whatever for the Indians.

Such is, and through the years has been, the character and value of the "reform" designed to mitigate a heinous crime. And for year after year the existence of

(Continued on page 94)



They look and act like human beings, but in Oklahoma many of them have become serfs through legalized peonage based on greed

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The Red Slaves of Oklahoma

(Continued from page 11)

this "reform" stood as an expressed and implied reason for not doing anything genuine to right the wrong. Thus we find Congressman Hastings of Oklahoma stating in 1919, before the House Committee on Indian Affairs of which he was a member: "Let me say that friction (between the judges and the Government attorneys) was experienced a number of years ago, when the probate attorneys were first appointed. Now there is practically no friction and there is hearty coöperation in practically all cases. It would be a very exceptional case that there is friction between probate attorneys (Governmental) and any of the local authorities."

And to this true statement and ghastly if unconscious humor of the Oklahoma Congressman, Assistant Commissioner Meritt of the Bureau of Indian Affairs added: "That is quite true. The local courts welcome this coöperation and assistance from these (Governmental) probate attorneys."

Reading the voluminous material on Oklahoma in the investigation of Indian affairs by the House Committee, from which these quotations are taken, one would never guess the conditions revealed in the present article, although the conditions existed in 1919 as they do today, and were officially known then as now.

Of course this additional \$85,000, more or less, of "pork" was not unwelcome to Oklahoma. It should be added that many individual Indians were helped in secondary ways by the Indian Bureau attorneys. But that "reform" which helped to perpetuate the system of outrage must be considered as an auxiliary to the outrage itself.

The full weight of the Oklahoma tragedy can be realized only when seen against the background of earlier Oklahoma history. The writer has given that background in an earlier SUNSET article (The Red Problem, March, 1923.) Through two lifetimes these Oklahoma tribes were herded, were forced to make treaties and to witness the breaking of the treaties by the Government; their tribal life was outlawed by statute, their institutions were crushed, their lands were raped away from them. Through it all they heard the slogan of the white man: "You shall be emancipated; opportunity and individual liberty, the white man's glory and boon, shall be yours." And all

spoke more loudly so that Lucy M. might hear, "that he hasn't a sheep to his name nor a second shirt to his back."

Lucy M. kept stirring the soup, and the steam from it set black curls at her white temples; and Mary dipped a spoon with a long handle to it into the soup, and tasted it, and dropped the spoon back again, and said, "Pour some in a bowl now, Lucy M., and take it in for the stranger."

Lucy M. put on some more powder and did as she had been bidden, and Mary

our national crimes toward these tribes were sanctioned in our own thinking by the fact that we were going to make these Indians "free." Then came the moment when, we stated, we were finally making them free; and we told them, "The great dawn has come, O Indian!" And then we proceeded to deliver these Indians over, man and boy, woman and girl, bound hand and foot, into a degrading and utterly ruinous peonage of property and person—because there was money to be made, because there were politicians to be satisfied, and because Indian questions are "local questions" by the Congressional tradition.

What shall be done? The immediate thing to be done is to repeal utterly the law of 1908 which gives the Indians into an Oklahoma enslavement. In so far as guardianship ought to be continued at all, that guardianship should be Indian Bureau guardianship under the Federal Government. The Indian Bureau's methods as trustee and guardian are indeed archaic and are trammled by outworn statutes, but not within this generation have outrages like those described in this article been charged as systematic practises against the Indian Bureau.

Commissioner Burke long ago knew and proclaimed the Oklahoma scandal. There is reason to believe that the Administration itself soon will ask Congress for fundamental legislation. In any case the citizen organizations for Indian defense will act.

And now we pass to a different yet related subject. This subject is the meeting of the National Advisory Committee on Indian Affairs, appointed by Secretary Hubert Work of the Interior Department, which took place at Washington in December.

What varied characters there were at that meeting! About 75 of the members came, some journeying across the continent for the occasion. There was Miss Margaret McKittrick, spokesman for the New Mexico Association on Indian Affairs; and Mrs. H. A. Atwood, spokesman for the General Federation of Women's Clubs; there was Miss Edith M. Dabb, advocate on behalf of the Y. W. C. A. of the forcible suppression of Indian ceremonial arts, and F. W. Hodge, life-long student of the Indians, who with Dr. C. Hart Merriam, the great authority on California Indians, believes that the Indians have as much to teach white folks about religion and the art of sweet wholesome living as the white man has to teach them. There was Bernard M. Baruch, public-spirited capitalist, chief worker in the Council of National Defense in wartime, and Oswald Villard, economic radical and pacifist. There were many missionaries; and on most issues the Catholic group with one exception went contrary to the Protestant group, maintaining the ancient tradition of the Franciscans and Jesuits, a tradition of affectionate tolerance toward Indians and of independence from the control, exploiting or bureaucratic, of Governmental agencies whether Spanish or American.

The group contained a number of educated Indians; most of the Board of Indian Commissioners were present; Rabbi Stephen S. Wise was there and was irresistible and liberal on every point; and William Jennings Bryan, and Mrs. Maude Wood Park of the National

League of Women Voters, and Will Irwin.

It was amusing to watch how, as the meeting progressed, those who stood for the continuance of the existing order in Indian Affairs gradually concentrated at the right of the hall, and the group standing for a new order concentrated to the left; till at the end the superb Bishop Lawler, of South Dakota, was sitting with Thomas Sloane and Oswald Villard and Ida May Adams of Los Angeles, plotting the means to circumvent the chairman, a reactionary, while at the right of the hall Miss Margaret McKittrick, Miss A. E. White of New York and other advocates of the plan for cancelling the Pueblo land titles sat beside the advocates of cultural suppression and the opponents of all plans to give the Indians equality before the law. General Hugh Scott, with General Miles beside him, sat in the very center of the auditorium, apart from both contending groups, speaking rarely but always wisely and with authority, and constituting by far the noblest figure in the gathering.

The very first act of the meeting established its destiny. General Scott was nominated for chairman, and against him was nominated a candidate supposedly, and by his own intentions, "safe" from the Indian Bureau standpoint. General Scott, voting against himself, was defeated by one vote and his opponent, Arthur C. Parker, took the chair. Parker didn't know parliamentary law, lacked decision and seemed unable to remember his instructions until George Vaux, chairman of the Board of Indian Commissioners, took the platform and sat beside the chairman.

Almost immediately came a second test of strength in the Committee. An order of business was presented which left the Pueblo question wholly unmentioned. The writer moved to amend the order of business and to give twenty minutes to the Pueblos in a two-day program. He explained that the Pueblo struggle had reached a crisis, that the Advisory Committee itself might never have been formed save for the public excitement about the Pueblos, and finally that Secretary Work had explicitly stated his desire to have the Committee advise him about the Pueblos. Instantly Miss Margaret McKittrick, for the New Mexico Association on Indian Affairs, was on her feet to plead that the Committee could not possibly deal with the Pueblos—it was a very complex question for lawyers and would require thirty-six hours. Thence ensued a struggle, revolving chiefly about rulings by the chair, which consumed a full hour, and at the end the Pueblos by a narrow vote were granted twenty minutes in the order of business.

A detailed report of proceedings which contain about 100,000 words can not be given here. Rather, some crucial results will be told because they reveal in a white light the present status of the Indian question and mark a new starting point in the effort to get justice for Indians.

A series of resolutions raised clearly the following question: Shall the Indians be given equal rights—the equal protection of the laws, the usual constitutional rights and the dignities of men? These resolutions did not call for the cessation of guardianship and guidance over Indians, for within a full exercise of guardianship it is still possible to give freedom and

dignity and legal protection to the Indian groups and individuals. Even citizenship can be conferred without entailing premature taxation or a premature thrusting of the ballot on Indians.

Along with these resolutions calling for the extension of American and human rights to Indians came a crucial resolution asking the Secretary of the Interior to enlist the services of the National Bureau of Municipal Research and the Institute for Governmental Research at Washington, in making a study of the business methods of the Indian Bureau. And accompanying this resolution was one which Thomas Sloan presented and Bishop Lawler seconded, calling for action by the Indian Bureau looking to a termination of its functions within a stated time—twenty years.

Enter the Bursum Bill

The above resolutions without exception were killed or tabled. They came out of the Resolutions Committee on the afternoon of the second day when a number of the busier men and women of affairs had departed; and they were killed swiftly, the steady majority against them being about four, and this majority acting with the promptness of an automatic engine. They were killed; but never before now has the bureaucracy, or any responsible group, stood forth and in positive tones uttered in effect these words: "Yes, it is true, the Indians do not have elementary rights; and they shall not have them. Yes, it is true, investigation by authoritative disinterested agencies of the business of the Indian Office is not wanted; and it shall not be done." As Oswald Villard said: "A proposal to inject plague virus into every employe of the Indian Bureau would not have been killed more swiftly than the proposal for an investigation." Why the Bureau of Municipal Research was not wanted as an investigator is suggested in the following paragraph from its report of 1915, made to the Joint Commission of Congress to investigate Indian Affairs:

"Behind the sham protection which operated largely as a blind to publicity, have been at all times great wealth in the form of Indian funds to be subverted; valuable lands, mines, oil fields, and other natural resources to be despoiled or appropriated to the use of the trader; and large profits to be made by those dealing with trustees who were animated by motives of gain—And still, due to the increasing value of the remaining estate, there is left an inducement to fraud, corruption, and institutional incompetence almost beyond the possibility of comprehension—All the machinery of Government has been set to work to repress rather than to provide adequate means for justly dealing with a large population which has had no political rights."

Related to the issues just described was the Pueblo issue. It was narrowed to two brief resolutions, admitted by their sponsors to be mutually incompatible and exclusive. One resolution, offered by the representative of the New Mexico Association on Indian Affairs, endorsed the general principles of the so-called Lenroot Bill (which is actually the Bursum Bill, Senate No. 726, introduced December 10, 1923.) This bill cancels the Pueblo land titles through enacting a

lution munching both sides of the controversy at once was adopted. Commissioner Burke's manifesto may be considered dead; but the action or inaction of the Advisory Committee was significant of the public attitude on Indian subjects.

For here the issue was basic, elementary. The tradition of religious liberty is one of the tenets rooted most deeply in the American mind. The battles of centuries for this kind of personal freedom have committed all European peoples to religious liberty as an axiom. If the Government started to censor and to outlaw by executive decree any other religion on the continent save Indian religion, the officials responsible would be laughed or denounced out of office and the Constitution would be invoked.

Yet here in Washington there met seventy-five eminent men and women, all of them well-wishers to the Indian, and it proves impossible to induce this group to declare unequivocally for religious liberty for Indians. An Indian religion which, according to the officials and the missionaries, interferes with the making of Indians into white men and Christians, is considered no religion at all. The American who dares state that the Indian religions, beautiful and moral as they are, have rights alongside of any other ecclesiastical system, and that in any case it is for the Indian to say what his religion shall be—such an American is viewed as a "sentimentalist" and is suspected of being the foe of Christianity.

The intimations about obscenity in the Indian religions were silenced in the Committee because there were men there who knew the truth—Dr. Clark Wissler, F. W. Hodge, Dr. Herbert J. Spinden, Dr. C. Hart Merriam and others. This left the debate exactly where it ought to be—a debate between those who hold that the First Americans are entitled to the American birthright of personal liberty, and those who can not really visualize the Indians—however much they may love them—as being entirely human.

A Memorable Conference

That same debate reached over into the question of the legal rights of Indians, the property rights; the rights of Indians to have a court review of administrative decisions affecting their person and property. Throughout there was the same hesitancy—even in the matter of resolutions where the Indian Bureau had not made known its wishes. Are Indians human, or are they something else; are they cattle, with only such vested or native rights as cattle have; or after all, perhaps, are they—men?

It was that question: Are the Indians really men? which the National Advisory Committee refused to answer.

Secretary Work was gracious and hospitable toward the Committee. He did not capitalize it politically in any way or seek to interfere with it. When the Committee called by invitation on the President, a delicious incident took place. They stood round him—no one spoke for the Committee and President Coolidge did not speak to it. Then through the door there came a vision—a Cherokee girl clad Indian-fashion, beautiful and soft-voiced. She presented Mr. Coolidge, in a memorized speech but with grace and poise, a copy of—

What? The Rev. Mr. Lindquist's survey of Indians, from the missionary standpoint, a book crowded with defects of omission and commission, intolerant toward the Indian religions and saturated with aggressive proselyting sentiment but carrying a foreword by and a picture of Commissioner Burke.

The President invited Miss Muskrat to lunch at once; and, silently, the National Advisory Committee on Indian Affairs filed out from the White House.

So ended the most representative conference on Indian affairs ever held. It was a conference adequately representative of the good-will and thought on this historic problem. Its members struggled hard and in a spirit of mutuality to get results. Pre-conference politics and the absence of fundamental concepts held in common by the members defeated the results. Not one fundamental proposition (save in health matters where the conference merely echoed a previous official decision) was put across; and when some large word should have been said to the President, there was furnished in its place a charming sentimental gesture arranged between certain missionaries and Indian officials without any previous consultation with the National Advisory Committee.

There is a long road to go before common sense and the intellectual virtues shall prevail in Indian affairs. But public opinion is *en marche*—this is certainly true.

The Book Corner

(Continued from page 51)

done to losing this quality of restraint entirely. He plunges you straight into the middle of a poor, insignificant human tangle, all the more wretched for its utter lack of dramatic value, and then snatches you away again just as the three characters have succeeded either in forgetting the snarl entirely or in laying up memories which will draw the knots tighter—you are not sure which.

These three are master work, nor does any of the other five tales suffer by comparison with them. M. Hémon has learned his art in a strict school. Frenchmen who went before him—Maupassant, Daudet, many others who knew the lessons of restraint and balance—have played a large, an essential part, perhaps, by the force of their example, in the development of his style. But let there be no mistake. Hémon stands absolutely alone among his contemporaries in any tongue—head and shoulders above the rest—in the translation of human emotion, *as it is*, not necessarily as some one might like to have it, through the medium of the short story.

Mr. Dawson Falls Short

THERE are two novels, too, that we'd like to get into this month's discussion. One is "The Coast of Folly" by Coningsby Dawson (Cosmopolitan). Mr. Dawson has bitten off here just a little bit more than he can chew. He is out to show you the regeneration of a rich young flapper. A worthy enough theme, we hope you'll agree. But, to attain his full

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The Filipino and the Indian

Why Has America Uplifted the One and Slaughtered the Other?

DOES it seem possible that Americans should have done this in cold blood?

"In the spring of last year some Indians were charged with taking some cattle. A party went against their village, surrounded it at night, attacked at daybreak, killing the whole, consisting chiefly of women and children, the men being mostly absent—The Whites carried home a bagful of scalps, about 130, and without loss to themselves, which proves the character of their operation."

This story is not the tale of an irresponsible scribbler. It is one of numerous similar incidents reported officially by Edward Fitzgerald Beale, Superintendent of Indian Affairs under President Fillmore. Here is another one taken from Beale's reports: "The Indians were invited to council under a flag of truce, and the rites of hospitality, sacred even among the Bedouins of the desert, were violated as well as all military honor, for the Indians while eating the sacred bread and salt were fallen upon and slaughtered to the last man."

In 1800, after half a century of government under "cruel" Spain, the Indian population of California, according to reliable observers and conservative estimates, numbered round 200,000 souls. Along six hundred miles of the coast there was strung a chain of twenty-one missions whose buildings were erected largely with Indian labor, whose fields were tilled and whose herds were tended by Indians. The arts of Western civilization had been introduced among the native population; there were Indian farmers, Indian carpenters and masons, Indian millwrights, weavers, metal workers and other artisans. The Mission Indians had become settled tillers of the soil, proficient in irrigation. They were not only supporting themselves, but the missions as well.

Today in all California there are only 16,000 Indians. What has become of the other 184,000 and their descendants? Beale tells what happened to a few of them. In *American Anthropology* Dr. C. Hart Merriam writes of the others that they became "victims of the whites... outraged in their most sacred institutions, weakened in body, broken in spirit and fully conscious of the hopelessness of their condition." According to C. E. Kelsey, Special Indian Agent for California, their decrease was "largely due to the progressive absorption by the white race of the Indians' every means of subsistence."

By Walter V. Woehlke

Author of: *Alien Enemies, etc.*

In other words, those that were not slaughtered outright were driven from their land, the life-giving water was taken from them, they were chased into the bitter desert or the barren mountains and there they starved to death, fell prey to disease or died of that melancholia which overtakes primitive peoples when all incentive to further effort is taken away.

Nor did the United States Government hesitate to take part in the spoliation of

goods, commodities and cash and they were guaranteed certain areas of land for their sole use and occupancy forever. These reservations covered approximately 9,500,000 acres.

The treaties were sent to the Senate for ratification. But the Senate was not in a ratifying mood. The Senate hid and suppressed the treaties. Instead of tearing them up as was done on a later historical occasion, the Senate ordered the documents to be printed in confidence and placed in the secret confidential files. There they stayed for fifty-three years.

In the meantime the California Indians were carrying out their side of the bargain. They not only surrendered the hundred million acres, but in a rush of generosity superinduced and accelerated by rifle bullets they gave up nine million of the nine and a half million acres reserved "for their sole use and occupancy forever." They had to. Either they must move on and die slowly or stay and die at once. But whatever choice they made, die they must and die they did. Unlike the Sioux, the Comanches, the Apaches and the Seminoles, they were not fighters. It was not necessary to send military expeditions against them; the rifles, revolvers, knives, axes and ropes of goldseekers and settlers sufficed for their speedy extermination while the unratified treaties accumulated ever blacker spots on the Senate's confidential file.

In view of the episodes cited by Beale, keeping in mind the 130 scalps taken mostly from the bodies of Indian women and children, remembering the massacre of emissaries invited to a meal under a flag of truce, is it an exaggeration to say that the California Indians were classed with wolves, coyotes and mountain lions as dangerous pests that must be exterminated? In many frontier communities the same opinion concerning Indians and their status prevails among certain people to this day.

But that attitude does not represent the conscience of the na-

tion. Twenty-five years ago America took the Philippine Islands from Spain. In that quarter century America has demonstrated what it will and can do when its good intentions are not thwarted by the greed, cupidity and cruelty of traders and politicians actuated by base self-interest. In the Philippines American rule brought health, enlightenment, good roads, good schools, four-square justice, religious toleration, freedom of conscience, respect for native institutions and a measure of autonomy impossible under

(Continued on page 87)



the California Indians. In 1852 three commissioners of the Federal Government negotiated eighteen treaties with 119 tribes and bands comprising practically the entire Indian population of California. These treaties were solemnly signed by 401 Indian chiefs and by the American commissioners; most of them also were countersigned by army officers as witnesses. Under the terms of these treaties the Indians ceded to the United States Government about a hundred million acres of land; in return for this secession they were to receive certain payments in

Yumas — Outrages by Bureau Ind. Affs.

clipping of March 4, 1926 (Los Angeles Times)

in Yuma file —

INDIANS' HALL LACKS SUPPORT OF FORTUNA

364

At today's meeting of the Fortuna Business Men's Association that body went on record as being opposed to the building of a hall here for the holding of meetings by the Indians.

At last week's session through Chairman Paul E. Mudgett the business men were asked to give their moral support to the Indian hall project and action on the matter was passed for today's meeting. The Indians of this and surrounding sections have secured acreage for the proposed hall in the vicinity of Carson woods and have some money donated by the Indians with which to purchase lumber. For some time past the Indians here have been much interested in a welfare movement which has been started for California Indians. The late Congressman Raker fathered a bill in Congress to the end that the California Indians' condition be bettered. This bill, or a similar one, is to be considered by Congress and throughout the whole state the Indians are holding meetings and organizing for its support. Meetings are being held by them and addresses made by Pale-face brothers. To hold these meetings the local Indians saw the need of a meeting place, hence the Indian hall. Leaders among the Indians—some of them ex-service men—believed that Fortuna business men were interested enough in their welfare to at least give the movement the endorsement of their business organization. However, at today's meeting the moral endorsement was refused by a small majority and the Indian given to understand that he and his meeting house was not wanted in Fortuna.

SAN FRANCISCO, CAL.
CHRONICLE
October 4, 1924

INDIANS DISCUSSED

Support of the work in the interest of Indians was urged by John Collier, secretary of the American Indian Defense Association, who said that the national league had already taken up an intensive study of the Indian problem.

"Indian reservations are shut off from the neighboring country as though by a Chinese wall," he said. "White investigators may be excluded. The Indians are not permitted to organize for self defense and mutual aid under leadership of their own choosing. Children are torn away from their parents in order to break up the Indian family and crush the native Indian life. Indians on these reservations are even deprived of religious liberty, and they may be tried for religious crimes or for anything else without a jury or a lawyer or appeal to any legal court."

Chico Indians To Get \$300,000 If Promise Is Kept

364

Chico has its own Vanishing American.

Out on Sacramento avenue near the railroad tracks is the remnant of the once powerful Mechoopda tribe, which once roamed peaceably over the Butte country. There were several hundred families and the seat of the Butte County Indian government was a tepee under a great oak which stood where the Chico waterworks now stands. The Mechoopda lived peacefully until

Conway has been waiting on the Indians for the past twenty years. Eighteen treaties were signed with and during that period of time he has traveled in northern California and Oregon gathering his material for the publication. He declares that many facts about Indians heretofore untold will be revealed for the first time when his publication is released.

for the transfer of land to the one of those treaties was signed under the big oak and the Mechoopdas moved out of the city limits.

They left their original land holdings, which extended from the site of Chico to Mud Creek and from the Sacramento River to the foot hills.

Crowded Out

The tribe shifted its residence to Chico Creek back of the Bidwell mansion. Several years later they were crowded to their present location on Sacramento avenue.

Under the provisions of the treaty the Indians of California were to be given 7,500,000 acres of land for their farms and homes. They had faith in the white man and turned over the land without a struggle. Years passed by and they were given no more land. Tribal heads rose and asserted claims but they were put off. Nearly 75 years have passed and now it begins to look as if California Indians will be repaid.

As time passed on and the Indians became educated they organized. Each tribe formed became an auxiliary to the main organization. A representative was hired and sent to Washington. Now, 75 years after the treaty, it begins to look as if the first citizens of California will be repaid. A bill was introduced in the Senate last week by Senator Kahn proposing that nearly fifty million dollars be paid to the Indians.

To Enrich Tribe

William J. Conway, president of the Chico auxiliary, yesterday said that if the measure is passed it will mean that each member in the village who is a member of the auxiliary will receive approximately \$6000. In the state of California

(Continued on Page Four)

and E. Byrd, U. S. N. Meanwhile there is being over- hauled a dirigible in which Rold munden, Norwegian explorer now the U. S., hopes to be able to fly to the pole over the course on which he was nearly lost in attempting a plane fight last year. Although none of the leaders is likely to admit the possibility, it is probable that the invasion of the Arctic by air will develop into a race for what ever honors are attached to being the first to nail a flag to the north pole. Lt. Wade is preparing to resign from the army air service in order

expedition, (l. to r.) Robert E. Peary of the polar regions, and the leaders George H. Wilkins.

WADE

1851 when the white man settled During the years 1851 the various tribes in C white man. One day in

there are about 20,000 Indians and of that number 11,000 will receive reimbursement for their land.

In the local village there are between 40 and 50 Indians who will receive the money, if it is appropriated by the government.

Conway, who has devoted his life to the welfare of his tribe, has been a constant student of congressional activities as well as of the validity of the treaties.

To Publish Book

He has just completed a book of 200 pages, which covers the history of the Indians from their origin. Conway has been working on the book for the past twenty years and during that period of time he has traveled in northern California and Oregon gathering his material for the publication. He declares that many facts about Indians heretofore untold will be revealed for the first time when his publication is released.

Original Defective

CHICO, CAL.-RECORD
FEBRUARY 23, 1926

Chico Indians To Get \$300,000 If Promise Is Kept

Chico has its own Vanishing American.

Out on Sacramento avenue near the railroad tracks is the remnant of the once powerful Mechoopda tribe, which once roamed peaceably over the Butte country. There were several hundred families and the seat of the Butte County Indian government was a tepee under a great oak which stood where the Chico waterworks now stands. The Mechoopda lived peacefully until 1851 when the white man settled Chico.

During the years 1851-1852 eighteen treaties were signed with the various tribes in California for the transfer of land to the white man. One day in 1851 one of those treaties was signed under the big oak and the Mechoopdas moved out of the city limits.

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(Continued on Page Four)

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S. P. Cal.
Recorder

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OUR NATIONAL DISHONOR.

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In the matter of subject peoples the United States, of all nations, can take the least pride in its record with regard to its own wards, the Indians, who once roamed at will over this continent in undisputed possession but unconscious ignorance of its wealth.

The coming of the white man broke the bonds of the Indian's possession. Greed and chicanery robbed him of his lands and hunting grounds and disease and liquor robbed him of his life, so that today, instead of a strong people, occupying a recognized position among the dominant race, the Indian tribes are "wards of the government," thrust from pillar to post, with influences being exerted on every hand to deprive them of the little that they have left, of their once vast domain.

The white man has never dealt fairly with the the Indian. Where there was honesty and fair dealing between whites and Indians in the early history of this country, there never was any record of evil dealings nor of Indian risings or massacres; in fact, the Indians who were treated decently by the whites repaid that consideration by protecting them from other Indians incited to murder and rapine by enemies of the colonists or goaded into reprisals by other colonists and seeking to wreak primitive vengeance upon all of the race irrespective of their participation in the injustice that was the cause of the disturbance.

From the time of the inception of this government the record of our dealings with the people who were the rightful owners of this continent has been one, generally speaking, of fraud and double dealing. It is small wonder, therefore, that the Indian looks upon the white man and his government as having a "crooked tongue."

Granted definite tracts of land over which to hunt and roam, as the tide of emigration moved westward, the Indian was moved to less and less desirable lands and the good lands were opened to settlement by the whites. The Indians on reservations were cheated and robbed by thieving and unscrupulous Indian agents and when they protested in the only manner that they understood, by armed revolt, they were hunted and killed by Federal troops.

And so the record, as the years passed, grew blacker and blacker until it stands today on the pages of history a damning indictment against the honesty and fair dealing of civilized government with a primitive and ignorant but truthful people whose trust has been unconscionably betrayed.

There are some rich Indians and Indian tribes, it is true, but they are the Indians of higher mentality and more advanced tribal civilization who have been able to maintain their rights against the whites and to insist upon decent treatment by the government of which they were the wards.

It is not alone the Indians of the great West, whose original domain covered the vast sweep of territory between the Mississippi River and the Rocky Mountains, over which roamed great herds of buffalo and antelope, animals that the Indian killed only for food and clothing, but which were slaughtered to practical extinction by the whites to make a sort of Roman holiday for a lot of so-called civilized sportsmen, who have been improperly dealt with, but the aborigines of California and the Southwest.

The California Indians have for years been deprived of their due from the government because a treaty made with them by the representatives of the United States in 1851 was never ratified and was lost sight of in the archives at Washington and has only recently come to light.

These California Indians are entitled to justice. Their forbears accepted the word of those with whom they negotiated and, being ignorant of the ways of the white man's government, did not pursue their rights to Washington and see to it that they were officially recognized. For this laches they are excusable and it is not now too late to deal justly with their descendants.

The latest organized effort to defraud the Indians of their patrimony is contained in a bill now pending in the United States Senate, fathered by Senator Bursum of New Mexico, and designed to rob the Pueblo Indians of the lands that they have held since long before the Spanish occupation, the title to which was recognized by Spanish grants and confirmed to them by the United States under President Abraham Lincoln.

The Bursum bill proposes to recognize as superior to the title of the Indians to these lands the title of white squatters who have settled thereon without color of right, except the connivance and indifference of the Department of the Interior and the territorial officials and people of New Mexico, who felt that the dispossession of an Indian from land that had been from time immemorial and should be his in perpetuity was a praiseworthy thing.

Strong influences thruout the country have banded together to influence Congress against this latest and most barefaced attempt to rob the Pueblo Indians of their lands. It is the squatters who should be removed from these lands rather than the Indians. The fact that the squatters are white and the Indians red is no justification for permitting the original owners of the land to be deprived of it thru the recognition of a prescriptive title in those who went on the land without right.

The Pueblo Indians are a peaceable, industrious people; they have never given the government any trouble; they are the original owners of the territory in question; their title to it has been recognized by three governments: Spain, Mexico and the United States.

As a matter of simple justice the whites should be removed from it by the government to other lands and the Indians left to the enjoyment of what has always been theirs so long as they live and maintain their tribal organization. When that ceases thru the gradual disintegration of the tribe then some just disposition may be made of the remnant that is left; but so long as there is the semblance of an Indian tribe remaining that desires to continue in possession of the land in question their right to do so should be recognized without question.

We cannot ever hope to remove the blot of our treatment of these wards of ours, but we can make the stain less brilliant by dealing justly with the remnant of aboriginal Americans.

Wash. Post-March 1, 1926.

INDIAN TRIBES HERE FORM ORGANIZATION TO GUARD INTERESTS

Representatives of Nine Groups Found First National Council.

WANT EQUAL RIGHTS WITH WHITE CITIZENS

Charge Government Bureau Exploits Them Instead of Providing Proper Care.

Representatives from nine tribes of American Indians are at the National hotel, where Saturday they formed the National Council of American Indians for the "welfare of the Indians, the protection of their property, and the advancement among them of the advantages of civilization," it was learned yesterday.

Mrs. Gertrude Bonnin, a member of the League of American Pen Women, and a well-known writer of Indian stories, was chosen president of the organization, which, according to its by-laws, will meet every two years, will hold an annual convention in Washington, the first next year, and will hold special meetings at the petition of any twelve members of any two tribes of the country.

The tribes represented at the meeting were the Crow, the Chipewa, the Assiniboine of Montana, the Sioux, the Wichita, the Osage of Oklahoma, the Klamath of Oregon, the Pima of Arizona, and the Ponca of Nebraska. There were about 30 Indians present, all of whom have come here to urge before Congress the wishes of their tribes. The representatives will go back to their tribes and form branch councils in each.

The council is the first ever formed of American Indians as a whole, it is declared, and it was organized not far from the spot where the powerful Algonquin tribes held periodic council on the site of the present Peace monument.

Want Equal Rights.

The slogan of the council is "Equal rights for Indians," it is said. Representatives of the Indians declare they are not getting equal rights, that they have even been unsuccessful in organizing before because of the opposition of white men. The council will meet again tonight to consider legislation pertaining to Indian welfare which will be urged before Congress.

Other officers elected were James Archdale, of the Assiniboine tribe, vice president; Meade Steele, of the Sioux tribe, secretary-treasurer, and Capt. K. T. Bonnin, counsel general. Associate memberships for white men and women interested in Indian affairs have been provided for.

The Indian representatives declare openly that they are compelled to oppose the bureau of Indian affairs in all their attempts at Indian welfare. Fred Hendricks, of the Klamath tribe, said:

"The bureau is supposed to care for the Indian, but instead it exploits him. His timber is sold, his land leased for grazing, and the money placed to his credit in the Treasury. Merchants are warned not to credit him—he is a ward of the government. But when he applies to the commissioner of Indian affairs he finds that only a small fraction of the value of his timber and grazing is actually credited to him."

Hendricks declared that \$17,000,000 worth of timber had been sold from the Kamath reservation in Oregon, and that thousands of head of cattle and sheep had been grazed on the land. When he called on Commissioner of Indian Affairs Charles H. Burke to see how much the tribe had to its credit he was told that the amount was \$243,000, he said.

He declared: "We are treated like children. In 1924 a bill was passed declaring the Indians citizens of the United States, but will anybody think that warning merchants against crediting us, and exploiting our property to the advantage of others, is any way to treat citizens of the United States? A great deal is said about civilizing the Indians, and making them useful citizens; but is it through such methods as these that we are to attain civilization and useful citizenship? Yet that is absolutely all that the bureau of Indian affairs is doing for the Indians of this country. And it is because of this condition that we have at last formed a nation-wide council for our common welfare."

SAN FRANCISCO, CAL.
CHRONICLE
MARCH 24, 1923

Lo, the Poor Indian, Surely Was Treated Rough

Editor The Chronicle—Sir: Why celebrate Easter on a hill at San Rafael by commemorating the proselytism of the Indian? He knelt before the padre perhaps, but he knew not why, if not in deference to the white man's greater power. Is it a Christian virtue to celebrate the extinction of a people whose all we took away? And then, not satisfied, sought to wean away from the faith of his forefathers, as the means of cloaking the white man's duplicity in depriving him of everything he had? At this date, perhaps, it would be more Christian-like to pray the Indian's forgiveness.

PETER A. MAYN
Big Creek, Groveland, March 20, 1923.

SAN DIEGO, CAL., SUN

AUGUST 11, 1924

INDIAN SLAVES

364 ✓
"Free" Redskins Forced
to Turn Over Possessions to "Guardians"

By JOHN COLLIER

Secretary, American Indian Defense Association

Over in Oklahoma there are 50,000 slaves.

They are Indians who were guaranteed their perpetual independence by the United States 80 years ago. In 1908 a solemn mockery was carried out of making them free Americans in every sense.

With the Indian bureau, which normally dictated to congress in legislation affecting Indians, passively consenting, congress has turned the Oklahoma Indians over to political guardians appointed by the county courts of the state.

These guardians report to the court which appoints them. The court is locally elected. The guardians elect or defeat the judges.

The guardians receive the income of the Indians from oil, timber sales, grazing leases, etc. They control these sums absolutely. They control equally the persons of the Indians.

The income since this guardianship system was created has several times trebled ten million dollars. The guardians pay the Indians what they choose, collect huge fees, lend out the money, buy and sell real estate through it, and help support the political machines of the state with this Indian money.

Guardian Kimberly, placed by the court in charge of an Indian girl, demanded \$5,000 a year as his fee. He proved that he took this girl to a "movie" once a week. He did not claim to perform any other service.

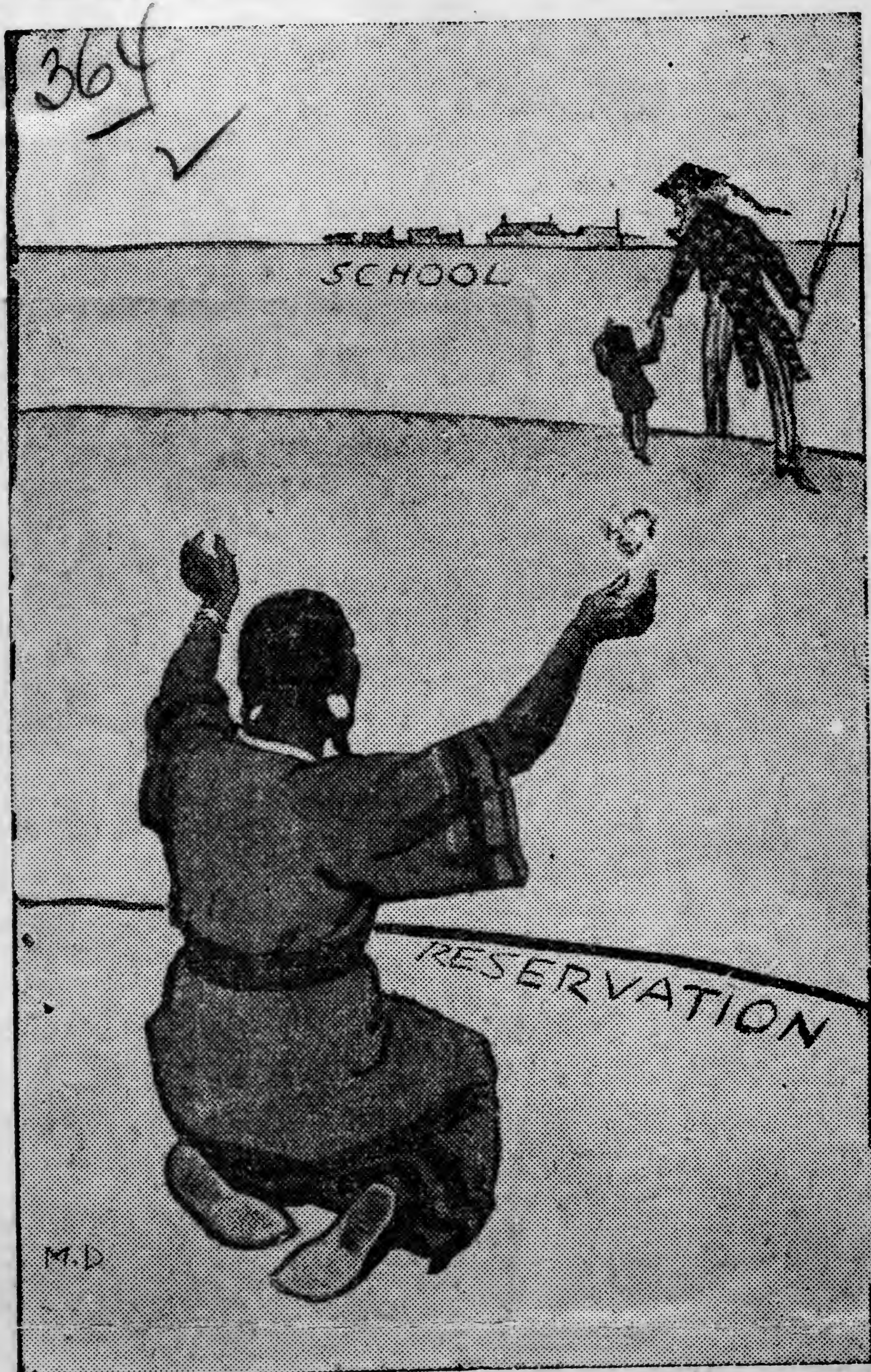
A young Shawnee woman tried to flee from her white guardian. He pursued her through county after county. Through a court order he took her household effects, even her bed. He refused her a cent of her money. He published advertisements warning doctors not to give medical service to this woman. The doctors obeyed. The woman's baby became ill, no medical treatment could be had, and the baby died.

A joint report of the Indian Rights' association, the American Indian Defense association, and the General Federation of Women's clubs, states: "There is no hope for any reformation in the present system, and if action is delayed for a few years there will be no Indians left with property to protect."

This system was established in 1908. The Indian bureau got Uncle Sam to appropriate about \$100,000 a year, which has been continued annually since 1915, to employ attorneys. These attorneys live in Oklahoma and practice before the county courts. They have no power under law. Assistant Commissioner Merritt rightly states that there is little friction between these attorneys and the courts which appoint the smile that could always win him that his smile was irresistible, a record by one who knew him well smiled. And it has been left on As he looked at her now, he

INDIAN SCHOOLS ARE MISFITS

BOYS LEARN USELESS TRADES



By JOHN COLLIER
Secretary American Indian
Defence Association

Will the reader think of his own children? Will he imagine that there is an official at Washington who is the reader's trustee by law and is squandering his property.

This official is likewise the reader's guardian by law, and can throw him into jail without warrant, jury trial or lawyer's assistance.

Will the reader then imagine that this Washington official comes along and says: "Give up your child. It is time for him to be moved away from you, to be confined in a huge barrack-like establishment, clad like a high-jack working on the road, and taught that everything you believe and are is savage, useless, disgraceful and sinful. Give up your child!"

If the reader will imagine this sufficiently vividly, he will get an idea of how the Indians feel about the government schools.

He will get an idea also of the heartbreak and agony endured by Indian mothers and by little Indian children.

But he will not yet see all the grotesqueness of the Indian Bureau school system. For there is nothing like it within the experience of white people.

There are Seminole Indians living in the Florida swamps. There are Hopi Indians living on the high mesas of Arizona far from water. There are forest tribes, prairie tribes, hunting tribes, stock-raising tribes, (like the Navajos) agricultural tribes (like the Pueblos). The way they must earn their living when they grow up will be one way for a Hopi, another for a Seminole and still a very different way for the Blackfoot.

But it's all one to the Indian bureau. Incredible as it may seem, it is a fact that the Indian bureau prescribes a uniform course of study for all these utterly different tribes.

The children are dragged away from the tribes and confined in these huge boarding schools, hundreds or thousands of miles from their homes. They all draw pictures of Iowa frame houses in order to learn how to live in adobe houses or in tepees. An Indian boy from Alaska, where there are only reindeer, is taught the trade of shoeing horses, and a Navajo boy destined to live on the dry desert is taught plumbing.

They come from the tribes speaking many different languages, and usually from tribes with a rich religious life of song, dance. When these schools hind him, th

abandon his language. He must abandon his religion. His hair is his chief pride—this is cropped like a convicts.

He must study a history book which makes no reference to the past of his own race. He, who in his own tribal way is a gorgeous singer, must learn the Sunday school songs. In many schools he is predestined by the government to be a Baptist or Catholic or Presbyterian.

Then he "returns to the blanket." He has suffered a lot, learned a very little, wasted many precious years, and perhaps has been turned into an atheist—rarely indeed into a Christian. He leaves the school. But he does not escape his trustee and guardian. There, back on the reservation, waits the Indian bureau.

In another way the Indian bureau follows him beyond the school. The child who left home a healthy child, returns to his tribe with tuberculosis, with trachoma which leads to blindness, and other diseases. He contracted them in the school where infectious disease as well as educational insanity filled the air.

The next article will tell of the health conditions among the Indians.

KELSEYVILLE, CAL., SUN
JANUARY 31, 1924

Club Women Have Program to Help Indian Children

364
The executive board of the County Federation of Women's Clubs held a large and enthusiastic all-day meeting at Lakeport on Tuesday, with Mrs. Robert Siddell presiding. There were present representatives from all of the clubs of the county. Mrs. C. E. Cumberson, honorary president, came up from San Francisco to attend the session.

Mrs. M. H. Dunbar, chairman of Indian welfare, submitted the report of her committee, members of which have made a tour of the Indian schools, and have found that the Indian children compare favorably mentally with the white children. Following is an outline of the work which the Indian welfare committee proposes to undertake during the present year:

1. The executive board shall go on record as opposed to the payment of any fee by the Indian people for organized or individual efforts to procure educational, public health and legislative recognition for the Indian.
2. The policy hereinafter represented as stated by the American Indian Defense Association, Inc., shall be endorsed and pursued.
3. An active campaign, to begin at once among club and all women to interest them in giving personal attention to Indian children and homes, making a contact for the mutual interest of both the Indians and the women of Lake county.
4. That club women be urged to assist teachers where necessary or otherwise provide practical domestic science instruction for the Indian girl.
5. That Mr. McConihe, Indian agent at Covelo, be asked to provide means for a health survey of the school children and other Indians, that unfounded statements may not be made regarding health conditions.
6. That this committee shall present an appeal to the Lake county supervisors for assistance or aid in obtaining assistance for the relief of aged and indigent Indians.
7. That the preservation and continuance of the legendary ceremonies, basketry and traditional customs of the Indian be encouraged.

SACRAMENTO, CAL.

DECEMBER 17, 1921

5000 American Indians Ask League of Nations To Referee Argument

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By the Associated Press.

NEW YORK, Dec. 16.—Five thousand Indians who have lived near Grand River, Ont., since 1784, and who insist that they are a sovereign people not answerable to the Canadian government, have appealed to the League of Nations through the Dutch government for settlement of their dispute with Canada, it was learned today.

Chief Deskaheh, of the Six Nations tribe, who stopped here on his way home from Washington, announced that he had given the argument of his people, set forth in a petition, to Dr. J. B. Hubrecht, charge d'affaires in Washington of The Netherlands, with the request that it be sent to the Dutch government and thence to the league.

The Six Nations, members of the chief's party said, were descendants of Indians who supported Great Britain in her eighteenth century wars and who were rewarded in 1784 by a grant of the land they now occupy in place of the domain they lost in support of the crown.

FREEING THE INDIANS

It is indeed an anomolous situation that necessitates congressional action for the purpose of freeing the Indians. The Indians ought to be free. They are far more logically entitled to the rights of citizenship than many who exercise such rights. By the stupidity of the government's policy, by the dishonesty of many of the federal agents, they have been kept in a condition, not exactly of slavery, but approximating that status. The great difficulty lies in failure to recognize them as human beings. They have been treated as half-wit juveniles, and provided with faulty and unfair guardianship. The sporadic attempts to educate them have come to little, because education could do nothing for them save to make them realize more keenly the injustice that had marked their treatment from the beginning. They could be taught, but knowledge gave them no advantage; did not get them anywhere. There was no goal to arouse their ambition and quicken their manhood.

The Federation of Women's Clubs of California is represented at Washington at present by Mrs. A. H. Atwood of Riverside. She has been telling congress some valuable truths, of which every member should have been aware. When she branded the whole general policy of the Indian bureau as "inhumane, expensive to the taxpayer and fruitless of good to the Indians" she was giving the plain facts.

It is high time to cease the method of allotting tribal reservations, encouraging the Indians to improve the land, and then kicking them off as soon as the land has acquired a value that excites the covetous white. There ought to be some action that would have for the Indian all the significance that the proclamation of Emancipation held for the colored race.

Wash. Star
CHIEF TAHAN URGES
INDIAN BILL DEFEAT
Nov. 29, 1922

Tells City Club Pending Legislation Is Plot to Rob Redmen of Homes.

Denouncing certain dealings with the American Indian by different interest of the country as "despicable," and appealing to the people of the United States to frustrate pending legislation which he said was most unjust to several tribes, Chief Tahan (Dr. J. K. Griffis), Indian leader and Presbyterian preacher, addressed the City Club forum yesterday afternoon.

Taking as his theme "The American Indian—Today and Yesterday," the speaker said that the white and red men would never understand each other until they were made to feel and think alike. He said that the Indian was deeply religion in his own way; they had been the most moral of all people "until demoralized by the whites," and were the originators of many reforms that were now being inaugurated by their white brothers.

Dr. Griffis assailed the Indian office, established in 1824, declaring it to be the greatest barrier in the way of the uplift of the Indian.

The speaker gave statistics to show that where \$16,000,000 had been appropriated for the education of Indian children, there were at present more than 21,000 of the same in different sections of the west who had neither schools to attend nor teachers to instruct them.

He accused the government of breaking every treaty ever entered into with the Indian and said that the Pueblo Indian bill, recently passed by the Senate, was nothing more or less "than a gigantic scheme, engineered by certain interests, to rob the rightful owners of 4,000 acres of fertile, cultivated land, and deprive 432 Indian families of their centuries-old homes."

"You are spending millions to Americanize the foreigner," said the speaker, "but any man entering an Indian reservation teaching such doctrines will be thrust into jail."

FREEDOM OF INDIANS

The story of outrages against Indians is an old one, running from before the day when William Penn drove a shrewd bargain for Pennsylvania, down to the outrages and neglect which make the case of the Tehons an issue of the day.

Recently snake dances have been prohibited in Oklahoma, super-denominational uplifters have furnished blue laws for red skins, and poor Lo is cribbed, likewise much cabined and confined.

It is well that the National Exchange Club and other agencies are coming to the rescue of the Indians, although they have some wonderfully able men of their own blood enlisted in the fight for freedom.

Every broad-minded person hopes that no restraints will ever be placed on Indians by people who want to make them "hound dogs to be kicked around."

But, speaking of Indians and other aboriginal races, it is plain that all have felt the world's rough hand when the cruel white man has invaded their ancient fastnesses.

It has been the shame of the white that he always sows ten grains of Biblical tares to one of wheat. He spreads dissipation and disease all the way from the wilds of Africa to the jungles of Borneo.

The white man has been about anything and everything one can call him, but until now he has not robbed Indians of their liberty to the extent that seems probable at first thought—largely because Indians have never possessed as much liberty as poets and orators attribute to them.

The old Indian tribes were enslaved by ignorance and fear—fear of nature, of the invisible, of the monsters of his imagination. He was also cowed by rulers or by stronger tribes, or individuals of his own tribe, for brute force was the sovereign law.

None of the prohibitions enunciated against our Indians are as severe as the rigid and countless tribal customs which hemmed him in so that evasion would have been next to death.

There were customs stronger than statutes. None dared defy rulers and medicine men.

CHIEF TAHAN URGES INDIAN BILL DEFEAT

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and the complicated business and social conditions of a civilization which has given us new industries, new ambitions, new obligations, and a wholly new outlook on life and duty.

So Indians and whites are alike under the iron law which says: "Do something which organized society wants to have done, or starve."

The economic command alone uproots all old conceptions thus far: It has destroyed the small man. Once he could grub around and make a living with his hands or a horse.

Now vast enterprises, quantity production, and a hundred undreamed of conditions have driven us all into the compound for inspection. If we cannot follow a new trade we join the army of the idle.

Drive a truck or a Packard, and a job awaits you; drive a mule and your path leads to a blind alley, a road that runs nowhere.

YOUTHS FROM AFRICA TURN DOWN OFFERS OF ENTERTAINMENT

NEW YORK, March 24.—Back to civilization after five years in the African wilds, and eagerly seeking a little "life," three young men today coldly turned down suggestions that they view two of the things Broadway is "most famous for"—"glittering shows" and jeweled women. "How about the women?" they asked. "We are not interested in them," they replied. "We are interested in life."

"Bob and Helen" in the book are second cousins and spend their childhood on a farm. Bob becomes a physician and Helen achieves fame on the stage. Helen has adventures of varied character. Bob remains a spotless hero. They have a belated autumnal love affair, that results in disillusionment and divorce. In a melodramatic close, Bob shoots to wild parties until she hears the Salvation Army hymn, "Whiter Than Snow." This brings her to a state of grace, after which testimony Bob is saved from the arm of the law and the couple are happily reunited.

ATTORNEY IDENTITY

Dr. Ruthertford's friends said that the volume, a tale of unsuccessful matrimony, contained many incidents derived from the author's romance with Miss Frederick.

OWN Men Are
as Friends
Woman

OWN Men Are
as Friends
Woman

OWN Men Are
as Friends
Woman

Los Angeles, Cal. Examiner
MARCH 20, 1923

State Aid for Indians

HOW does this sound to people who believe in simple justice and fair dealing, and expect even governments to practice those virtues:

"My people are homeless. They are driven from place to place by the white men on whose property they seek a refuge. The Washington Government does not aid us. Our children are not wanted in the schools. We have no medical aid for our sick. We have no implements, nor lands, for farming. My people are willing to work. Give us a place in the desert, and we will be happy."

The words are from the lips of a 77-year-old Indian, spoken before a legislative committee at Sacramento the other day.

He spoke for a measure which will set aside a quarter-section of land for remnants of Piute, Digger and Pit River Indians, all California tribes, who are now practical wanderers upon the face of the earth, victims of "conquerors" as heartless and unheeding as all conquerors appear to have been.

In the fine aspiration to make America worthy of the highest human ideals one wonders just how our attitude toward the Indian fits in.

S. F., CAL., EXAMINER
MARCH 30, 1923

Justice for The Indians

THE Piute Indians episode in Utah has served to bring out a lot of latent, but rarely expressed, sympathy "white" Americans feel toward the aborigines.

One could wish that some of the authorities at Washington could know a little more about this deep feeling, as expressed in large numbers of letters to "The Examiner" (and doubtless to all other newspapers) from folks who infrequently get the opportunity to show what they feel about American Indians and their condition.

Deep down, among the generality of us, there is a feeling that "our" government has played an ignoble role toward the aborigines. We have a case of bad conscience about it. Such an episode gives us opportunity to talk about it.

Among the letters received on the subject, one contains these words:

"Write something to get sentiment aroused in favor of the original inhabitants of this continent, who are being shot down and taken to jail for the crime of getting hungry and killing a sheep to eat."

"White men's settlements have driven off all the game that furnished the Indian with food, and if the Indian kills a sheep belonging to the white men he is 'renegade.' . . . Every American with a sense of justice must be dead and buried, if we can witness this tragedy unmoved."

The situation in Utah may be more aggravated than elsewhere. But, while the question of food may not be so urgent, much the same situation stands in California.

The Indians of our Northern counties have had the same sort of bad treatment. They are booted about from place to place, they have been consistently defrauded of rights openly acknowledged in a treaty with the sovereign Government of the United States.

A delegation is asking the Legislature for desert land from the State, in order that they may no longer be compelled to move.

In New Mexico efforts are being made to oust the Pueblos and other tribes from their lands. It is a sorry story everywhere.

The injustice to California's Indians may be righted, to a large extent, by passage of the bill pending in Congress to allow the tribesmen of this State to sue, in the Court of Claims, for the value of lands openly granted them in the treaties of the late sixties, subsequently ignored by the Government.

This is another matter which the California delegation, in our opinion, should make one of its important tasks when Congress reconvenes next winter.

MARCH 1, 1923

GIVE THE INDIANS A SQUARE DEAL

The Record hasn't any time for "sentimental slop" spilled over the Indian question. There are any number of professional white agitators who are doing the Indians' cause no good. There are also a few clubwomen who would seemingly have the Indians fed on pie three times a day.

But this country never gave the Indians a square deal. It is not too late to right some of the wrongs. It is a subject which might well engross the attention of serious-minded people. Practical men are needed in Indian affairs. Friend Richardson's economy bug should light on the Indian Service, to cut down the overhead expenses of that department.

In San Francisco there is the Indian Board of Co-operation. In a letter to The Record the Board recites that:

"When California was taken over from Mexico, the Indians who had occupied the country from time immemorial were assured by the treaty of Guadalupe Hidalgo that all their rights would be respected and held sacred by the new government. Three years later, by order of President Filmore, eighteen treaties were officially negotiated with these Indians. The treaties were signed on the part of the Indians by 400 of their chiefs and head men. The Indians agreed to relinquish all their right and title to the lands they hitherto occupied in exchange for certain reservations, eighteen in number, described by metes and bounds, in all about 7,500,000 acres, and certain specified payments in horses, mules, oxen, blankets, women's garments, sewing machines and farming implements, valued at about \$1,800,000. Besides this, they were to have been furnished instructors in farming, carpentry, blacksmithing and other occupations. They were also to have school houses and teachers for the education of their children.

"These treaties were not ratified by the Senate. Hence, matters should have remained in status quo. Instead, the Indians were compelled by the greed of the gold-seekers and by the action of the Federal and State officials to keep their part of the bargain and to give up their lands, while no fair attempt was made in any way, from that day to this, by the government to keep its obligation.

"This scandal is known to every student of history. It can not be questioned, and for any United States or any other official to plead ignorance of it is proof of dire incapacity or purposeful obliquity. The result is that the Indians are bitterly disappointed in the government, because seventy-two years have gone by without any serious official attempt to right this great wrong.

"To remove this bitterness and despair and to help the Indians secure honest and fair treatment, the Indian Board of Co-operation was organized. After years of active endeavor to secure the righting of these wrongs, both the Board and the Indians are confident that there is but one satisfactory way to gain a fair settlement of their claims. That is to allow them to present their claims to a duly authorized United States court, which shall have power to adjudicate according to law and equity."

ROTTEN DEAL FOR INDIANS

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ORIGINAL OWNERS OF CALIFORNIA HAVE BEEN IGNORED IN APPLICATION OF THE SQUARE

When California was taken over from Mexico the Indians who had occupied the country from time immemorial were assured by the treaty of Guadalupe Hidalgo that all their rights would be respected and held sacred by the new government. Three years later by order of President Fillmore, eighteen treaties were officially negotiated with these Indians. The treaties were signed on the part of the Indians by 400 of their chiefs and head men. The Indians agreed to relinquish all their right and title to the lands they had hitherto occupied in exchange for certain reservations, eighteen in number, described by metes and bounds, in all about 7,500,000 acres and certain specified payments in horses, mules, oxen, blankets, women's garments, sewing machines and farming implements, valued at about \$1,800,000. Besides this they were to have been furnished instructors in farming, carpentry, blacksmithing and other occupations. They were also to have school houses and teachers for the education of their children.

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Why should there be the slightest opposition to this reasonable demand? Only by the decision of the United States court can the Indians of California be satisfied and our nation's honor sustained. Why not give them this satisfaction and end the trouble once and for all? Are the officials of our government so uncertain as to the honor and integrity of the courts of this land that they dare not submit this question to them for final adjudication? In every other state in the Union the Indians' right of occupancy to the soil has been recognized, and that right, in part at least, extinguished by treaty and compensation.

Dr. Walker, in his American Law, on this subject said: "They have a qualified right of occupancy which can only be extinguished by treaty, and upon fair compensation; until which they are entitled to be protected in their possession." Under Spanish and Mexican laws as well, those that controlled prior to the cession of the territory of Mexico to the United States, the Indians' right of occupancy was explicitly recognized.

RIVERSIDE, CAL.
ENTERPRISE
FEBRUARY 22, 1922

U. S. Government Should Settle

The California Indians are the only Indians in America who have not received so much as one penny compensation for their rights in lands. All that has been done for them has been in the form of gratuities, presents, gifts, charity. These have been disgracefully meager. The United States government should square itself with the California Indians.

California's mines helped to support the Union's credit. Had the gold and silver mined during the years from 1861 to 1865 been turned into the treasury of the Confederacy, as it might have been but for the loyalty of its people, the whole result of the war might have been different. The total value of precious metals shipped out of the coast states during the years of 1861 to 1864 was \$186,012,460, which enabled the Union to pay interest on its bonds according to agreement, thus restraining and limiting their depreciation. (P. 213, Eldredge's History of California.)

The net proceeds of sales of the public domain in California, received by the United States through the general land office to June 30, 1918, amounted, in round numbers, to \$22,785,000 and the State of California received from the government for the purpose of education, of making public roads and improvements, up to June 30, 1918, \$1,139,243.57 or 5 per cent of the sales of public lands lying within the state. The value of the lands reserved out of the public domain or national forests and national parks is enormous. And nearly all of such lands only a little more than half a century ago were used and occupied by Indians whose possessory rights to them were recognized by the United States government.—Malcolm M'Dowell, member board Indian commissioners.

SAN DIEGO, CAL., SUN
AUGUST 9, 1924

PACTS BROKEN

Government Treaties With Redskins "Only Ruses," Says Agent

By JOHN COLLIER
Secretary, American Indian De-
fence Association

The United States used to make treaties with the Indians. It made about 300 and in letter or spirit has broken them all.

This is how an Indian commissioner, Francis A. Walker, correctly described our own government's view of the matter:

"When dealing with savage men as with savage beasts, no question of national honor can be involved. Whether to fight, to run away, or to employ a ruse, is solely a question of expediency."

Treaties were "ruses" designed to lead the Indians to make peaceful surrender of their ancestral lands in return for a guaranteed

perpetual occupancy of other land, and of civil and religious liberty.

One case will suffice. The 100,000 California Indians received complete treaty guarantees in the treaty of Guadalupe Hidalgo with Mexico. They were pledged the undisturbed continued use of the land they were occupying. In 30 years they had been dispossessed of the last square yard of this land. They had been enslaved, starved, and actually massacred by thousands. Their number was reduced to 15,000.

But eviction by treaty violation is only one method of separating Poor Lo from his estate. Another is to force upon the Indian an allotment of land in "fee simple." Prior to this event he is kept in leading-strings made of iron links. He is forbidden to handle his own money, prevented from organizing for corporate action with other Indians, left illiterate and given no training in agricultural organization.

Then when the corporations or the local voters are ready, and when the Indian bureau needs a friend, the Indian suddenly is given absolute ownership of his land individually.

In a moment the whites are upon him. By enticement and loans and actual duress they get his land away. It happens everywhere.

But there is a still more gentlemanly method. This is to allot the Indians their land individually but to hold the allotments in trust. Sixty thousand square miles of the Indian estate is now trust allotted.

The Indian bureau then has limitless power over the property. It can lease it or sell it, with or without the Indian's consent, by declaring the Indian "mentally incompetent." This is better than letting a hungry, frightened or drunken Indian sell his fee-simple allotment, for now the Indian bureau can say who can lease or buy, and when, and on what basis.

So there has been built up that huge fund of tens of millions held by the Indian bureau and variously used.

More tomorrow.

FEBRUARY 26, 1922

CHIEF STRONG WOLF SPEAKS

Chief Strong Wolf, first American Indian to see service with the American army at the front, is now delivering lectures by radio in behalf of his race. His first speech, reported in Wireless Age of New York, is interesting enough to reprint. It follows:

"I wonder how many of you realize that the Indians, the original 101 per cent Americans, had a kind of radio and sent messages through the air long before the white man came?

"The Indians used smoke fires. With the help of a buffalo robe, they made the smoke white or black, made it go straight up in the air in a long narrow streak, which signified reinforcements; used the buffalo robe to make it go up fan-wise, which signified the birth of a child.

"The Indian also had a form of sending messages through the air with the hands, the wig-wag, a system which is now used in the navy.

"I come to you as a representative of 336,000 Indians. Of these, 17,500 volunteered for the war. My race has never produced a fanatic or an agitator. Think with me, if you will, of the wonderful heritage that my people have left you—300 words in the English vocabulary, including 'tomatoes,' 'potatoes,' 'corn,' 'maple sugar,' 'succotash,' 'cocaine,' 'quinine' and 'tobacco;' names of rivers and states; 'Dakota,' which means 'allied people;' the name of the great country across the border line, 'Canada,' which in the Indian tongue means 'village;' and the very Constitution of the United States, part of which is of Iroquois origin.

"To think that this race of men, who had a word of honor and who believed that friendship and word of honor were sacred, and who received, with open arms, the first man who ever landed in this country, trusted him as a brother, received him as a friend, and are today under the authority of a stern bureaucracy!"

INDIANS FORM GUARD COMPANY

364
**Sioux Organize in Mont-
tana Militia**

HELENA, Mont., March 23.—A company of Sioux Indians for the Montana national guard is under process of organization, which will list its entire membership from the Fort Peck reservation, in the eastern part of the state, and from Poplar and other towns in the vicinity of the reserve.

Only Montana's weather has prevented the completion of the company already. A date early in February was set for mustering in sixty-five of the tribal members, but a cold wave that sent the thermometer to 30 below prevented the required minimum for a company gathering at Poplar when Adjutant General Charles L. Sheridan of the Montana national guard arrived.

Many of the members of the company will be veterans of the American expeditionary forces in France and one of the officers will be a graduate of Carlisle who was a commissioned officer in the American army overseas.

"Indians make the best kind of soldiers," said Adjutant General Sheridan, who had a company in the battalion he commanded in the One Hundred Twenty-fifth regiment in the Marne offensive. "I had been transferred from the contingent that went to Montana to a regiment made up largely from the national guardsmen of Minnesota and Wisconsin. The Indian company was from the Winnebago reservation in Wisconsin."

"It was the latter part of July, 1918, and the Americans were in the front trenches. We knew that the Germans had tapped our communication wires, because we had done the same thing with theirs. We used code all we could, of course, but any code that can be readily used can be deciphered. Our counter move was to put an Indian in the listening post and another at the end of the wire back of the trenches. Almost immediately our men, listening in on the German communication began to hear discussion of the new 'code' the Amerikanische troops were using."

MILLS GIRLS URGED TO AID INDIAN WORK

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Students of Mills college are today discussing the address by John Collier, a member of the board of directors of the Indian Defense of central and northern California association, before the student body yesterday, in which he urged them as groups and individuals to work for better legislative conditions for the Indians.

"Our attitude toward the Indian," Collier said, "has been similar to that of England toward Ireland, with one exception; while England carried out its policies without apology, we have carried out ours, but at the same time carried out the semblance of treaties, by few of which we have pretended to abide. The American Indian today is denied civil rights, the guardianship of his children, religious freedom, and many forms of his original governmental rules."

DEC. 1, 1923

Vier will have charge of the program.

Indians in World War 364

"There were 10,000 Indians in the World War—5 per cent of the entire Indian population—and 85 per cent of these men enlisted. Four million dollars was raised by the Indians in the Liberty Loan campaigns. Would we be that loyal to a people who tricked us out of our homes and country?"

This food for thought was advanced by Dr. H. K. Booth, speaking before the Woman's Club of Hollywood last Wednesday on "America and the First Americans."

Dr. Booth denounced the Bureau of Indian Affairs at Washington as inefficient, neglectful and stupid, "the worst managed bureau in the United States today."

He urged the women's clubs to continue their fight to obtain justice for their Indian brothers and described the ideals of that justice as (1) the removal of the present government system of paternalism, (2) the granting of the right to hold permanent title to their lands, (3) the granting of the right to become American citizens, (4) and, above all, the privilege of developing their lives in their own fashion.

ATTITUDE OF INQUISITION REVIVED BY INDIAN BUREAU

By JOHN COLLIER
Secretary, American Indian De-
fense Association

I have told the sort of lawless power which the Indian bureau wields over the vast property held in trust for the Indians, and how that power is used to control congress and to maintain a system of tyranny involving the riotous waste of 123,000 square miles of Indian and public land.

In 1921, Albert B. Fall became

secretary of the interior, and Charles H. Burke became commissioner of Indian affairs. Edgar B. Merritt, a Democrat, chief of the bureaucracy, remained as assistant commissioner.

And in that year the absolutism of the Indian bureau reached out and grasped the soul of the Indian. A slow persecution against the Indian religions which had long been going on was speeded up, and, the speeding-up has proceeded until today it has become the outstanding Indian scandal.

But the Indian bureau makes its own laws, called regulations, which are binding as statutes until such time as congress may overrule them.

The Indian bureau creates crimes, and one of the crimes it has created is to worship God as an Indian worships God.

The "Indian Offenses" which are decreed by the Indian bureau are not tried before the courts of the land. They are tried before the field subordinates of the Indian bureau. These Indian judges and Indian agents are the accusers, the judges and juries. Often they are the witnesses as well.

The Indians are deeply and universally religious. Their religions are older than Christianity. These religions teach about the creation of the world and of man, the relation between man and God, the duty of man to man. They contain the moral code of the Indians, which is a code of truth-telling, honest dealing, kindness to children and the old, loyalty to the community, faithfulness in marriage, and cheerfulness in the face of sorrows.

They express these religions through songs, congregational prayers, rhythmic movements and dramatic pantomimes. Their forms of prayer are many and they believe that by faith alone is a man saved.

But the Indians are not Christians. Many of them have adopted Christianity the way clothes are put on and off, while remaining steeped in their ancient yet truly spiritual creeds and worships.

Some missionaries find the Indians very vexing. Such missionaries would like to smash the Indian religions by force, and are glad when the Indian bureau compels Indian children to accept religious training from the missionaries.

To please these missionaries, who represent a considerable political power, and to express its contempt for the Indians whom it has wronged (for it is human nature to despise and even hate the creature one wrongs), the Indian bureau has instituted a persecution of these "pagan" Indian religions.

It has classed the religious rites as "Indian Offenses," punishable by imprisonment.

On Feb. 24, 1924, the commissioner solemnly addressed "All Indians," warning them that unless they voluntarily gave up ceremonies, various and sundry, within one year, coercion would be used against them.

The Indians did not voluntarily foreswear their thousand-year-old creeds. Something forcible became necessary.

On April 18, Sec. of the Interior Hubert Work and Commissioner Charles H. Burke of the Indian bureau reached the ancient and beautiful Pueblo of Taos, in New Mexico. There, according to the testimony of the Indians, the commissioner referred to the Pueblo Indians as "half animals" and ordered that the religious training of their boys should be suspended.

The orders do not say "You must stop the religious training of your children." Instead, they require that certain boys, temporarily withdrawn from school in order to be trained for the priesthood, shall be surrendered to the school. This means the quick destruction of the religion. For the voluminous Bible of the Pueblo Indians is not written but is passed on from the old to the young by careful teaching.

Taos Pueblo replied that all its members would go to jail and stay there before they would surrender their religion. But Zuni Pueblo has fallen before the storm of persecution. There, the withdrawal of boys for a four-day period from the government school, to receive their consecration into the tribal religion, has been forbidden and the order has been enforced.

No charges are made against the Indian religions by the officials. The offence is simply that these religions are Indian and that they stand in the way of the Christian missionaries.

There is no precedent in American history for this action by the Indian bureau. It means a return to the Spanish Inquisition. It will be carried out with customary ruthlessness unless a nationwide public protest is made. The protest should be made to the president and to congress.

More tomorrow.

11—LONG BEACH, CAL.
TELEGRAM
FEBRUARY 25, 1923

Indian Life Described at Ebell Meeting

The Indian welfare department of the Ebell club met Friday afternoon with Mrs. C. E. Kelly, when A. T. Freeman, a Sioux Indian, gave a most interesting and instructive lecture on Indian life and conditions and told facts, both of past history and of the present time, that are very regrettable.

Mr. Freeman is a very cultured, well educated young man and held the undivided attention of his hearers as he told of his parentage and of his early life. He was 19 years of age when he wrote his first letter and read his first book.

He said in part:

"When the government of California offered to pay two dollars per acre for 2,000,000 acres of very fertile land, they didn't understand, as they believed the land belonged to God and they had the right to live on it but not to pollute or defile it. When the white man gained possession of Catalina, it was by driving the Indians into a cave and leaving them there to starve.

"Between the years of 1789 and 1911 \$527,000,000 was spent to educate 60,000 Indian children. There are 8000 Indian children in California and 4000 of them are out of school because of lack of facilities.

"The Indians have fought for Uncle Sam in every war in which America has had a part—and yet they have no vote because they are not counted as citizens."

SACRAMENTO, CAL.—UNION
August 24, 1924

Reflections on Dancing

THE snake dance of the Hopi Indians in Arizona this week serves to remind us what an intimate part in the life of all people, wherever located, in whatever period living, however primitive or civilized, is played by dancing.

David Livingstone said that in Africa when a man belonging to one branch of the Bantu division of mankind met another he asked him what he danced and when answered knew the other's tribe, social customs and religion. So various are the forms and functions of dancing among the Arabs and Swahili of Africa that they cover the larger part of life. Among primitive peoples there have always been appropriate dances for solemn occasions, for births, marriages and deaths, for seed-time and harvests, for war and for peace.

There is dancing in Japan, where it is usually dancing of the arms and hands, in the South Sea Islands, where it is with the hands and fingers alone, in Spain, Egypt and India. Indeed, wherever there are people there is dancing. And even some of the animals dance.

Strange as it may seem in this country and age, when some churchmen actually forbid it, dancing has been closely associated with religion. The snake dance of the Hopis is a religious ceremony, a form of prayer to the Hopi gods for rain. One of the earliest known Christian rituals—the "Hymn of Jesus," assigned to the second century—is nothing but a sacred dance. The early monks of the Cistercian Order danced and prayed at the same time. In English cathedrals dancing went on until the fourteenth century and in the Abyssinian Church it is said still to form a part of the worship.

There is reason to believe that dancing and building are the two primary essential arts, from which have sprung all the rest, including music and painting, and that of the two dancing came first.

STRONG FIGHT PLANNED TO EMANCIPATE INDIANS

Wash. Star.

June 27, 1926

Congress Has Defeated Recent Moves to Deny Aborigines' Rights and May Go Further.

BY HAVEN EMERSON,

Distinguished Physician and Public Health
Authority.

THE long down-hill road of the American Indians has become an up-hill road leading to sunlight. All Indians became full citizens in 1924. But they remained wards of the Government, and the Indian Bureau has even tried to increase its arbitrary power over their lives and lands. Until this session of Congress, few white people realized that the Indian reservations, 110,000 square miles in area, were similar to ill-conducted prison compounds, ruled and virtually owned by a bureaucracy appropriate to the dark ages, whose actions are not accountable even to the courts.

At this writing the following is still true:

Indians cannot make legally binding contracts.

They are forbidden to make legally binding wills, disposing of their property to their children.

When covetous white men want an Indian's farm lands the Indian Bureau is free to declare the Indian "incapable," and thereupon to evict the Indian and rent the land to white men secretly, without competition and even without collecting rent.

The Indian parents are not free to insist what religion their children shall be taught.

Have No Trial Rights.

Indians have not the right of jury trial or any form of due process of law except where eight crimes mentioned in certain Federal statutes are charged. For all other matters they may be seized, jailed, placed in manacles, worked on the roads as convicts or worked as virtual slaves to the Indian Bureau employees. They have no appeal and no court review and are essentially slaves.

Today 24,500 Indian children are crowded into boarding schools whose capacity is 14,500. Medical neglect is extreme and infections rage. More than 50,000 Indians suffer from trachoma, an infectious disease producing blindness, and the boarding school trachoma rate is much higher than that of the general Indian population.

Any missionary or scientist, social investigator or journalist who goes on the reservations may be seized, forcibly evicted and, if he returns, is liable to a heavy penalty and a jail sentence. He has no court review of the Indian Bureau's ruling, which declares him undesirable.

These are some of the facts surrounding the extravagant, even melodramatic Indian administration, and though the Indians are full citizens they have no escape from what is, to all practical purposes, a peonage, even a slavery. Meantime, the Indian Bureau, absolute master over their property, worth \$1,600,000,000, and their funds of \$90,000,000, empowered to defy the courts and able to control Congress through the use of Indian funds among the constituencies, continues to destroy the physical tissue of the Indians, to stamp out their racial life and spirit and to support itself to the amount of millions yearly out of the dwindling principal of the Indian estate.

No Denial Made.

In the session just closing all of these facts were proclaimed by members of Congress, as well as by the Indian welfare bodies, and the Indian Bureau made no effort to deny the more serious charges. Indeed, the bureau was busy trying to force through Congress a bill giving it renewed legal authority to jail Indians without trial, and was engaged in a huge maneuver intended to make the Indians pay a 37½ per cent income tax from their oil and to destroy their claim of ownership to about three-fifths of all their undivided lands.

The oil bill was defeated and the Senate has now passed a bill drafted by the friends of the Indians leaving all oil revenue with the Indians and permanently safeguarding their claim of ownership to their lands. No such sweeping defeat of any Indian Bureau

depredation has taken place in Indian history.

Indian affairs are no longer viewed by the public as a choice between a decent and an indecent funeral, but as a choice between a continued peonage, slavery and race slaughter, which the present system insures, and a program of emancipation and Americanism which is sought through the abolition of the Indian Bureau and the granting of the substance, as well as the shadow, of citizenship rights to all Indians.

It is proposed to continue the Federal trusteeship over Indian property, but to abolish all guardianship over the personal life of the Indians, enabling the Indians to bear their responsibilities and claim their advantages as the first Americans. It is proposed to turn the Federal appropriations for Indian education, health and social welfare over to the States, to be administered through the State agencies which are serving white populations. It is proposed also to bring the United States Department of Agriculture, the Children's Bureau and the Public Health Service into action for Indians. The trusteeship over property would logically go under the Federal courts. The Indians would be permitted to organize, to form co-operative societies, credit banks and corporations as white farmers and stockmen are now allowed to do. Such is the program of the American Indian Defense Association, the General Federation of Women's Clubs and the Indians themselves, who are now organized into the National Council of American Indians.

(Copyright, 1926.)

ARCATA, CAL. UNION

FEB 21 1924

Seeks Relief for Indians

Superintendent J. B. Mortsof of the Hoopa Indian reservation appeared before the Board seeking relief for a peculiar financial situation. This was owing to the meagerness of the hospital fund allowed the reservation by the government. The hospital fund was practically exhausted through much sickness during the winter amongst the Indian children being cared for there when two emergency cases occurred, one requiring a mastoid operation and the other an operative case. From September until only recently there had been no resident physician at the reservation, so the children were sent in to hospitals, one to the Trinity hospital at Arcata and the other to a Eureka hospital.

The charge for the Trinity hospital patient, who was in that institution four months was \$476 and that for the Eureka patient was \$152. To meet these charges Superintendent Mortsof said he would have to communicate with the Department at Washington, and if it happened that there were no funds available there he would have to pay the bills himself. For this reason, in the event that he can obtain no relief from the department at Washington, he asked that the county assume the hospital expenses in these cases. Superintendent Mortsof was assured by the Board that it would look after the matter if it developed that there were no available funds at Washington.

Los Angeles, Cal.

T I M E S

OCT 28 1923

A Misguided Missionary

WE HAVE this from old Ap-pi-kun-ny of the Blackfeet, himself. And Ap-pi-kun-ny would not say it if it were not true.

The way that Ap-pi-kun-ny came to know about it was that he was visiting in the lodges of the Hopi in Arizona. And an old Hopi man told him that he had

served a sentence of six days in jail. And the Indian agent had warned him not to do again what he had done or he would put him in jail for the rest of his life. You see, on an Indian reservation the agent is the court and the jury, the police force, the army, the navy and the whole works. He can put an Indian in jail if he wants to do so, and there is nobody to stand in his way.

Now, the offense that the old Hopi man committed was to put a missionary out of his house. The missionary went into the Hopi's house without asking leave, and insulted the Hopi by telling him that the Hopi religion is a devil's religion, and that every Hopi is a devil unless he is a Christian. The old Hopi man told the missionary to leave the house, but the missionary wouldn't leave. So, of course, the Hopi made him leave. He took him by the shoulder and put him out.

A white man's house is his castle. And, by the same logic, the tepee or the wickiup of an Indian is also his castle. The old Hopi man was strictly within his rights.

The missionary complained to the Indian agent, who put the old Hopi man in jail, and told him if he ever put a missionary out of his house again he would put him in jail till his head turned gray.

Did you ever hear of a more overbearing and unwarrantable act than this?

All good Christians would be glad, to be sure, if every heathen and every pagan, Hopi or whoever he might be, would embrace the Christian religion. And it is perfectly proper and even mandatory upon us to convert the heathen and the pagan. But, if the heathen or the pagan refuses to be converted, and if he desires to retain his own religion, we are not justified in putting him in jail or putting him on the wrack or burning him at the stake, are we?

If we can convert the Indian to Christianity by love and patient effort, all well and good. We are commanded to make the effort, but we are not permitted to beat him up and thumbscrew him in the process, or to assail his sense of the dignity of life.

Old Ap-pi-kun-ny of the Blackfeet declares that this kind of a missionary never made a true convert yet and that they harm the cause of Christianity.

And Ap-pi-kun-ny is right.

U. S. Indians Call 'Defense' Powwow

Redskins to Confer Over Government Debt

MONTREAL, May 21.—A call was sent out today to all the Indians of the Six Nations throughout the American continent to send delegates to a conference for the consideration of measures to defend what Chief Dominic Two Axe describes as "the inalienable right of the Indians to mind their own business without outside interference."

The principal question for discussion at the conference, which is to be held at Onondaga reservation, New York, June 1, 2 and 3, will be concerning moneys which the Indians claim is owed them by the United States Government.

Chief Dominic Two Axe of the Caughnawaga reservation, explaining his attitude, said that by former treaties the American Government was obliged to pay to the Indians in New York State certain sums annually for the use of the lands it had taken from the Indians. This had fallen into arrears and a lot of money was due.

THE PROBLEM OF THE AMERICAN INDIAN

Science Service

SEVENTY to eighty millions of people of the two Americas are still living several centuries in the past and eking out a primitive and defective existence despite the fact that their ancestors, lords of the western hemisphere before the advent of the white man, raised great cities and established cultures of great artistic and architectural accomplishment.

Dr. Manuel Gamio, director of anthropology for the Mexican government, who has just lectured at Washington as a guest of the Carnegie Institution of Washington at a conference of anthropologists, archeologists and ethnologists, pointed out these facts and declared that one of the most urgent problems before American governments was the arousing of the latent energies and possibilities of the Indian and other indigenous inhabitants, particularly in Mexico and other Central American countries. In Mexico alone, he said, there are eight to ten millions of such people, in Guatemala one million, and in this country about 300,000.

Speaking of the descendants of Aztecs, Maya and other races in Mexico, Dr. Gamio said:

When this mass of automaton recovers the dynamics

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which it had in the past and acquires the efficiency which characterizes modern action, then it will develop and make effective use of the almost virgin resources of the country.

Through the use of anthropological methods, steps are being taken by the Mexican government to build up the material and intellectual well-being of its people. Mexico was the first government to create a department of anthropology, and it has carried out extensive and successful experiments in establishing the economic independence and education of the inhabitants in the Valley of Teotihuacan, only about twenty-five miles from Mexico City. Workshops for utilizing the resources of the region and schools for developing the intelligence and art of the Indian inhabitants are now located on the site of one of the most ancient civilizations of Mexico. An extension of the practical application of anthropological studies is contemplated by the Mexican government.

Dr. Gamio pointed out that no government can be logical and efficient in its action if it does not take into account anthropological factors. On the American continent and above all in these countries, the larger percentage of whose populations is of the Indian race, the truth of this assertion has been proved by history. The abnormal way in which these countries have evolved is due to the fact that the governments have ignored anthropological problems, such, for instance, as the creation of the mestizo type, the struggles between fusing civilizations, the substitutions of languages and the anthropogeographic conditions.

As to the United States he said that while there has been more anthropological work done than in Mexico, if one compares the bulk of the work of scientific character, nevertheless anthropology has not been applied very generally to procure social betterment. If it had been, he added, the 300,000 Indians of the territories would have been incorporated into modern civilization by a skillful and harmonious blending of both cultures.

Merely Some Private Thinks

364 By C. K.



We have been pleased to teach our children that Uncle Sam does not permit religious persecution; that all under the Flag are free to worship God according to the dictates of their conscience.

That is no longer true.

In an article in the current Sunset, John Collier shows how the United States, through its Indian Bureau, is proceeding to stamp out the religion of the Zunis, and to jail any who continue to practice rites far more ancient than Christianity, and as sacred to them as any of her symbolic sacraments.

Already the Indian Bureau has given orders that the Zunis, under pain of imprisonment, must give up "the sun dance, and all other similar dances, and so-called religious ceremonies."

Egged on to this shameful, and outrageous, and infamous action by "certain missionary bodies," the Indian Bureau, under the orders of Indian Commissioner Burke, has banned any Zuni religious dance which

involves * * * the reckless giving away of property * * * frequent or prolonged periods of celebration * * * in fact any disorderly or plainly excessive performance that promotes superstitious cruelty, licentiousness, idleness, danger to health, and shiftless indifference to family welfare.

The Christian world applauds Savonarola who induced the Florentine women to throw their jewelry and silk dresses into the flames, as an act of devotion to the Christ.

Certainly that was a reckless throwing away of property!

And surely Lent is a "frequent and prolonged" period of celebration.

And the modern dance in society often promotes "idleness, danger to health, and shiftless indifference to family welfare."

As to the cruelty and licentiousness, the Zunis deny these.

But if the self-inflicted cruelty were true, what about the acts of the Catholic flagellants of New Mexico?

J. C. Crandall, superintendent of the northern pueblos of New Mexico, says he "firmly believes" these "religious expressions" are a "ribald system of debauchery."

What Crandall believes and what he knows are two entirely different things.

At Santa Domingo on May 5th last, gathered seventy-four delegates from fifteen pueblos. In an appeal to the American people they declared:

We denounce this statement as untrue, shamefully untrue, and without any basis in fact or appearance, and contrary to the testimony of white scholars who have recorded our religious customs.

In his praise of the Zunis, Collier writes:

It must be said here that the following traits are known by all observers to be the outstanding characteristics of Pueblo life: Kindness to children, to women, and to the old; mutual aid in all things; public service to the community rendered without pay; faithfulness to family life; truth-telling and honest dealing; tolerance and freedom from hate; freedom from fear and from worry; and complete absence from sexual indecency.

It strikes Yours Truly that, instead of long-nosed missionaries interfering with the religious, symbolic practices of the Zunis and trying to "civilize" them, it would be to the advantage alike of Christianity and Civilization if such meddlers would learn from these Zunis the practice of the real doctrines of Jesus.

At any rate, Uncle Sam should put a stop at once and forever to this outrageous throttling of the religious freedom of this people, engineered by "certain missionary bodies" and enacted by his Indian Bureau.

San Diego Union Feb. 16, 1923.

364 The Indian's Plea



HUNDRED YEARS AGO, when a band of Indians descended upon a settlement of the whites, every able-bodied man rallied to attack them. The pioneer women loaded muskets while the men aimed and fired. A band of Indians has descended upon the nation's capital recently, however—and we now find some of America's leading literary people and foremost artists lined up with the red men. Instead of firing upon the Indians, the men are firing verbal charges at their enemies. The women are no longer loading muskets, but, through the American Federation of Women's Clubs, are using their influence in behalf of the Indian delegation.

The Indians are not in Washington with hostile intent, but are members of the first delegation to Washington since the time of Lincoln, and are making a plea for justice in government treatment of their land rights in the pueblo districts of New Mexico. The women's clubs and a group of artists, writers, archaeologists and students are supporting their plea.

A bill by Senator Bursum, characterized in congressional debate as "one of the boldest raids on Indian lands ever attempted in congress," has been withdrawn because of the vigorous protest of the Indian delegates and their friends. Another bill, the Snyder bill, has been presented—and is characterized as equally bad. The Indians ask passage of a bill confirming their rights to the land which they have held since the 17th century, and allowing for compromise of such disputes as are amenable to it.

We who live in "the Ramona country" know a little of the long history of injustice which has characterized the conflict of American politics and Indian rights. Our sympathy is with the Indian delegation, and with the people of culture who have rallied to the defense of the pueblos—the birthplace of the only American civilization that greeted the white man's first explorations in what is now the United States.

Religious Persecution Of Indians Charged By Defense League Official

John Collier Takes Issue With Rev. William Hughes In Matter Of Treatment Of Natives, Especially In New Mexico

CHARGE that the government is subjecting American Indians to religious persecution are made in a letter to The Bee from John Collier of Mill Valley, Cal., secretary of the American Indian Defense Association, Inc. The letter deals with an article by Rev. William Hughes, director of the Bureau of Catholic Indian Missions, which was published in The Bee.

THE LETTER.

Collier's letter follows:
Editor of The Bee—Sir: The subject of religious liberty for American Indians, especially the Pueblo Indians, ought to interest every American because if it be true that the government is persecuting a religious faith, and that there exists a presumptively illicit union between church and state in the Indian country, 130,000 square miles of the United States, then such a violation of the Constitution and of the underlying American ideals is of sensational importance. The needless crushing of beautiful aboriginal cultures will also interest many Americans.

I renew the charge that such religious persecution has gone on and is still going on, and that such an illicit union of church and state does exist.

Rev. Hughes Article.

This communication deals directly with the article by Rev. William Hughes, director of the Bureau of Catholic Indian Missions, published in The Sacramento Bee on July 26th.

Father Hughes' devotion to the truth and to the welfare of the American Indians can never be questioned. Had he made a careful personal investigation he would have been saved from repeating numerous errors of statements which can be disproved categorically but are nevertheless an injury to Americanism and a cruelty toward helpless wards of the nation. It is to the Indian Bureau's interest to lead the missionaries into a seeming espousal of the Indian bureau's warfare against the tribal religions and cultures of the Indians. A layman cannot see how it is to the missionaries' interest to pursue such a course.

In the course of this communication I have given facts concerning the struggle over Indian property which is now going on in New Mexico. These facts, important in themselves, explain much of the religious controversy as well. But I shall deal first with Father Hughes' statements of facts.

Persecutions Cited.

1. The Indian religions are being persecuted by the Indian bureau. The evidence of this statement has been published all over the United States. The evidence consists of regulations and orders by the Indian bureau, and detailed testimony, itself of public record, dealing with certain Indian tribes. The Indian bureau has made blanket denials but no specific denials.

Father Hughes makes a blanket denial, but he is not specific even in the case of Taos Pueblo. He passes over altogether the case of Zuni Pueblo, where the religious consecration of the tribe's children, according to the immemorial religious rule of that Pueblo, has been prohibited.

He makes no reference to the successive regulations, orders and instructions sent out by the commissioner of Indian affairs, I do not incorporate here the evidence, which is conclusive, and, to Americans believing in religious liberty, shocking. Those who want it can have it in full by addressing the American Indian Defense Association, Inc., 33 West Forty-second Street, New York, or by writing to me.

Parents' Consent.

2. Father Hughes states that the principle which guides the Indian office is the right of the parents, and the parents alone, to determine the religion of their minor children. I assert that thousands of Indian children are given sectarian Christian instruction in the government schools, by missionaries, without the consent of their parents. I believe that Father Hughes will not make an explicit denial of this statement whose truth is known to everyone having to do with Indian affairs.

Subsidy Of Work.

3. Father Hughes does not deny that the Indian bureau has obtained a court ruling legalizing the subsidy of sectarian and missionary work out of Indian tribal funds

without the consent of the tribes or of the individuals composing the tribes. I believe he will not explicitly deny it.

4. Father Hughes adopts as his own the fantastic counter charge or smoke screen charge which has been prepared in self-defense by agents of the Indian bureau and by others seeking to persecute the Indian religions. This charge is that there does exist a religious persecution in the Pueblos; that the non-Christian Indians are persecuting the Christians.

Christians Progressive.

A group of about fifty so-called Christian Progressive Indians have been drawn together in a so-called council, which has for its advisers three white persons mentioned below. These fifty Indians among approximately 8,000 Pueblo Indians in New Mexico, exclusive of Zuni Pueblo, claim that their "pagan" neighbors are persecuting them, and Father Hughes broadcasts this claim.

All Are Christians.

I state as a fact known to every scientist and likewise every missionary in the Pueblo country, that there is not one among these 8,000 Pueblo Indians who is not a Christian. These Pueblos are the most solidly Christian communities in the United States. With negligible exceptions, these Indians are Christians belonging to Father Hughes' own congregation.

But the reader will ask: "Surely, all this smoke must indicate some fire! It must be that these fifty Christian Progressive Indians are different from the other Indians—they are purely Christian, perhaps, and the others are only half-Christian?"

The Answer.

The answer is positive. The Pueblo Indians, as a whole, save in the Pueblos of Zuni and Laguna, are at one and the same time faithful Christians and faithful children of their own ancestral creeds.

But considerable numbers of the Pueblo Indians have ceased to keep up their ancestral rites, just as many of them are at best half-hearted Christians. These so-called Christian Progressives, about whom Father Hughes has so much to say, are not Indians who have given up their ancestral, or, as he would say, pagan beliefs and rituals.

The "Kiva."

The hot-bed of so-called Christian Progressivism is in Santa Clara Pueblo, in which pueblo there are thirty-eight members of the Progressive Council and there are thirty-nine members of the opposition party in that pueblo. Fifteen of the thirty-eight Progressives are Kiva men and twenty-three have ceased to keep up their Kiva or pre-Christian rituals in any systematic way.

Of the other party, eighteen are Kiva men and twenty-one have abandoned their Kiva life. So much for the pueblo which contributes about four-fifths of the total membership of the Christian Progressive Council.

Until Father Hughes can dispute these facts, it would seem advisable that he do not continue to give prestige to a fiction wholly without basis in fact, which was deliberately framed up in order to confuse the public mind. It was not framed up by Father Hughes, but by parties interested in the defense of the Indian bureau and in a victory by the white claimants to pueblo land over the pueblos.

The Melchoir Case.

5. About one-half of Father Hughes' article is devoted to the case of one Juan Pedro Melchoir of Cochiti Pueblo.

Melchoir's case is presented as an example of how, to quote Father Hughes, "the pagan, or reactionary Indians, are cruelly persecuting the Christian Progressives." Melchoir claims that his land was taken from him because he was a Christian. Inquiry by Father Hughes would have disclosed that whether or not the action by Cochiti pueblo against Juan Melchoir was wise or just, it was a deliberate action, stated to have been taken under in-

structions from the Indian bureau itself.

Not Religious Case.

He would further have learned that the case has nothing, absolutely, to do with religion, but in simple language, that Melchoir was deprived temporarily of the use of his land because he refused to pay taxes. Taxes in the pueblos are paid in the form of public work—labor in the upkeep of roads and the maintenance of the community ditches, in community sanitation, in the upkeep of the Christian church, etc.

Refused To Work.

The authorities of Cochiti Pueblo charged that Melchoir had refused to do his share of community work, in other words, to pay taxes. The Indian superintendent evidently agreed with the tribal authorities, and, accordingly, the ancient tribal rule was applied to Melchoir. Melchoir further was told that whenever he would consent to pay his community taxes, not only would he receive the use of his land, but the community would join in building his fences.

Should Father Hughes dispute the above statement, he should produce details and especially he should state whether or not the action of the Cochiti Pueblo toward Melchoir, one of its citizens, was or was not instructed by the Indian bureau.

Pueblo Civil Procedure.

The details of the pueblo civil procedure will not interest most readers of The Sacramento Bee. But Father Hughes' misunderstanding is so extreme that a few further words must be said in correction. He speaks of caciques who by intimidation choose the governor or absolute ruler, and his satellites, and who often chose one of themselves—that is, the caciques make themselves governors.

No Absolute Dictator.

The above statement is wildly inaccurate in every detail. In no pueblo is there any absolute dictator, and least of all is the annually chosen governor an absolute dictator. The pueblo council is made up of the elder statesmen—the governors of all past years who are still living. The clan priests and the high priests of the pueblo function in the nomination of secular officers, in some cases virtually naming them, in other cases merely nominating them.

Citizenship in the pueblo tribe is the result of citizenship in one of the clans of which the pueblo is composed, and the man is enfranchised into the tribe through living up to the obligations of his clan.

Federal Institution.

Each pueblo is a federal institution in which by a very delicate system of checks and balances the various clans live together and cooperate.

In brief, Father Hughes' description of pueblo government would be just about as accurate if it were applied without any change of terms to the federal government of Washington, or to the British Empire.

The commissioner of Indian affairs and the secretary of the interior have blundered no less egregiously than Father Hughes in their descriptions of pueblo life and government. How can men so abysmally ignorant of the pueblo communities expect to deal with these communities helpfully?

The business and political methods of some pueblos are subject to improvement. This is true of most white communities likewise. But a complete mis-description of the pueblos is not an effective way to start improving them.

Special Cases.

Exception has been made above with reference to the pueblos of Laguna and Zuni. Laguna is not an ancient pueblo. It was formed by the Spaniards about 1690, through assembling at one place the Indians from many pueblos who had refused to join with their own tribes in the effort to throw the Spaniards out of New Mexico. At least nineteen distinct clans were herded together at Laguna. Having little arable land, Laguna has for generations sent its youth long distances from home to work. Gradually the ancient Indian culture has disappeared from Laguna, and the psychology of that pueblo has largely ceased to be Indian. As there are no "pagans" at Laguna there can be no charge that the "pagans" are persecuting the Christians.

The Other Exception.

The other exception is Zuni, which stands at the opposite extreme from Laguna. Zuni is the only New Mexico pueblo which is not Christian. It is the largest New Mexico pueblo, and is one of the most beautiful, even glorious, in its cultural endowments. For 350 years there have been successive Christian onslaughts upon Zuni. But never at any one time have all the Zuni villages been subjected to forcible or voluntary Christianization at the same moment. Therefore, the Zuni "paganism" has survived unaltered with Christian elements, nor has Zuni

adopted the Christian church side-by-side with its "pagan" church, as the other pueblos have done.

Persecution Charged.

The present religious persecution at Zuni is a deliberate effort, backed by the Indian bureau, to crush the tribal religion by persuasion, but where necessary by force. A very ambitious Christian work has been inaugurated at Zuni, with a big expenditure in plant. The local Indian agent has lent himself to a task of repeating at Zuni pueblo that process which has devastated many Indian tribes before and many a Polynesian community. The details are too numerous to include here but they will be published in due time.

Financial Motive.

The public for two years has known about the assault against the pueblo landholdings which was inaugurated by Secretary Fall. That assault has been finally defeated and a law has been passed which will enable the pueblos to recover much of their lost land—land now in the possession of whites.

Three Guide Council.

The pueblos must make a united and effective presentation of their claims before the pueblo land board created under the new law. The so-called Christian Progressive Council is guided by three white persons, namely: A. B. Renehan, attorney for the white settlers who are contesting with the pueblos for the ownership of land; Miss Clara D. True, for many years publicly active in the attempt to cancel pueblo land titles, and Mrs. Nina Otero Warren, an inspector in Indian affairs appointed by ex-Secretary Fall.

The aim of the drive to split the pueblos asunder is very simple—it is the aim of paralyzing them in their struggle before the land board and the courts for the recovery of their lands. I should mention that the pueblo lands are in the midst of what is believed to be a rich oil country.

Do Not Own Land.

The financial motive reaches even deeper. Most Indians do not own the land they live on; the United States owns it and they occupy it, with or without a vested interest. But the Pueblo Indians own their ancestral lands. They hold a fee simple title vested in the community or tribe as a whole. With the consent of the secretary of the interior they can sell their lands. It is the experience of generations that the Indian deprived of his religion becomes quickly the Indian deprived of his land. The pre-Christian pueblo religions are primarily religions of the land; and the whole communal system, including the system of land-holding of these Indians, is founded in religion and enveloped by religion.

If they can be torn away from their religion, automatically they will be torn away from their land. To tear them away from their coveted lands, there are persons willing to tear them away from their souls.

Pueblo Religions.

A final word about the pueblo religions, viewed as objects of intrinsic interest. These religions are in every case older by thousands of years than Christianity. They are among the fountain-head religions of the world. Each pueblo tribe has an unwritten bible of vast compass, and the religious training of each tribe is mainly the passing on of these vast racial bibles through memory.

The moral life of the pueblos has always been a subject of admiration. Their faithfulness to family, their charity, their hospitality, truth telling; kindness to children and the aged, and simplicity of manner, has been told by observers from the earliest Spaniards to the latest American visitors. This entire moral order of the pueblo Indians is of, by and for their religion; their religion is of, by and for their moral order. They live their religion, though they have no desire to impose it on any other human being. They have never proselytized or persecuted, which makes such charges as Father Hughes has repeated cruelly fantastic.

Wisdom And Ethics.

Locked up within these ancient pueblo religions are the wisdom and the esthetic fruits—the utterances of love and transcendent faith—of a whole great branch of the human race across at least 10,000 years of time. The present deliberate effort to destroy these religions, with the incidental destruction of the morals, manners and even the physical health of the Indians, is as blind and awful a mistake as was the burning of the Alexandrian Library, or the destruction by fanatical Spaniards of the written records of the Mayan civilization in Yucatan.

Of course, the effort will not be allowed to go to its grim end. It is only a question of attracting the attention of Americans to the facts, but that is not easy in these excited times.

Respectfully,

JOHN COLLIER,
Secretary, the American Indian
Defense Association, Inc.
Mill Valley, Cal.

Original Defective

INDIAN CHIEF SEEKS JUSTICE FOR 'POOR LO'

364
Aged Redskin Appears Before
Legislature at Sacramento to
Plea for Pit River Tribe

EXAMINER BUREAU, SACRAMENTO. Jan. 19.—The aged emissaries of a fast disappearing race came to California's legislative halls today and appealed through String-For-a-Bow, 72-year-old chieftain of the Pit River Indians, for white man's justice.

In the barren lava beds of Modoc and surrounding counties 500 scattered members of the once strong Pit River tribe are said to be living without the protection of a government reservation and struggling for the bare necessities of existence. Speaking for Chief Left-Hand, an octogenarian, confined by illness to his camp in the far-off lava beds, String-For-a-Bow raised his voice in the councils of the white man today and asked for aid.

"There was a time," said the aged envoy, "when our tribe asked nothing of white men. Now the white man rules and our tribesmen are few and scattered. But even now we ask for little—only the right to dig our food and to live."

The Pit River tribe said that food is scarce and asks authority to hunt and fish without licenses. They also ask permission to cut small amounts of timber on the lands surrounding their homes.

But most of all, pleaded "String-For-a-Bow, the tribesmen need a federal appropriation to care for their sick and aged and to feed their families during the cold months of winter.

INDIAN DEMANDS LIBERTY FOR HIS FELLOW RED MEN

Declares Bureau Here Must Be Reor- ganized and Charges Constant Bad Faith.

BY JOHN T. FLYNN.

"AMERICA has emancipated her colored sons. She has fought two wars to free the vassals of Spain in the Antilles and the submerged peoples of Europe. Now it is time for her to free her Indians."

Edward Rogers, a descendant of the famous Chippewa tribe, a graduate of Carlisle and University of Minnesota, and now a distinguished lawyer of that State, made this statement to me.

"Has the average American paused to think what the Indian reservation means? It means that, while the United States opens her opportunities to every nation on the globe and welcomes millions from other lands, including the Indians of South America, her own red men she treats as savage children. Why? In order to keep a horde of office holders in jobs in the Indian Bureau."

Father Was White.

Mr. Rogers' father was a white man. He was one of the pioneers who founded the State of Minnesota. His mother was a member of one of the distinguished families of the great Chippewa tribe of Indians. When in college he was nationally known as a foot ball star. Many are the trophies he has won in athletic games and contests. At present he is county attorney of Cass County, one of the largest counties in Minnesota. He has held office continuously for 11 years, elected by the white people, the Indian population of the county being negligible. A few years ago he was barely defeated for secretary of state of Minnesota. Mr. Rogers is proud of his Indian blood. He has made a close study of the Indian question for many years and is known as a leader among his people.

I went to him for the facts on the Indian. For many years eminent scholars and public men have alike denounced the treatment of the Indian by his government.

A Political Question.

Would you tell me more about the Indian problem, I continued.

A. It begins and ends in the Indian Bureau at Washington and the reservation system, which is its method of perpetuating its existence for political job hunters and office seekers. Our opposition to that bureau is intense, deep-rooted and well founded. Created for the laudable purpose of promoting the welfare of the Indian that he might be absorbed into the body politic of the Nation, it has almost from the day of its creation obstructed the progress of the Indian, despoiled him of his property, crushed and stifled initiative and ambition and been an instrument of oppression. The conditions confronting the Indian under Indian Bureau control have become intolerable. In my own tribe the Indian Bureau in its dealings with the Chippewa people has a record permeated with dishonor. We have been deceived in the negotiation of treaties, the assent of my people in one instance being obtained by apparent bribery. We have been deceived in the execution of treaties.

Scraps of Paper.

Every treaty made by the Government of the United States with my own tribe has, without a single exception, been regarded only as a scrap of paper by Government officers. Our property has been taken from us and we have not even been allowed to go into court to obtain justice. Government agents have connived with powerful lumber interests to obtain our valuable timber lands guaranteed to us by solemn treaties and we have been powerless to secure any redress. The situation has become so bad that the State of Minnesota has appointed a commission to negotiate with the Government for the transfer of the Indians and their property to State control, so as to effect a speedy emancipation of my people.

An Alien Institution.

Ninety per cent of the children of my tribe have been educated by the taxpayers of Minnesota and yet the Indian Bureau is supposed to be using Indian funds to educate us. It is costing the people of the United States \$13,000,000 annually to maintain this Indian Bureau at Washington. There are less than 163,000 souls, native born Americans, under its jurisdiction. To look after the property and affairs of this small number of people the bureau maintains a force greater than that maintained by the great State Department, which department deals with every kind of world activity. There are 5,500 employees of the Indian Bureau, while the State Department has less than 4,000. Under the Department of Labor there are only 2,744 employees. Yet this department has one bureau, the Bureau of Immigration, which deals with 500,000 aliens every year. The Bureau of Naturalization has made citizens out of 15,000,000 aliens during the time the Indian Bureau has been assiduously keeping the American Indian in corrals like cattle. Hon. Clyde Kelley, Congressman from Pennsylvania, never said truer words than

when he exclaimed forcefully in a speech in the House on January 1, 1924: "The Indian Bureau is an alien thing in American government. It is a bureaucracy that has grown insidiously like a cancer, through its own sinister lust for power. It has multiplied employees and expenses to a staggering total. It has repressed protests with an iron hand, violating the constitutional rights of men whose only crime was an honest desire to help a people in bondage. It has robbed the Indians of industrial rights by chaining them to reservations where they cannot choose their own occupation or engage in productive industry. It has robbed them of educational rights which belong to every being God ever made, that of becoming through development all that it is possible for him to become. The bureau is slaying the life of a people and burying the hope of a race. The Indian Bureau today is the old man of the sea, 90 years old, and still riding on the Indian's back. It will teach the Indian obedience to itself and hand out plenty of advice. It will do everything for the Indian but get off his back."

Cause of Condition.

Q. How did this condition arise?

A.—President Washington said to the Six Nations in 1790: "The Government will never consent to your being defrauded, but will protect you in your rights." The Indian Bureau was created in 1832. Like all other bureaus of the Government, its officers wanted to enlarge its importance, and it soon became a political institution. As the white population increased the demand of the white man for the lands held by the Indian arose. Pressure on the bureau speedily converted it into a means of despoiling the Indian of his property. The administration of the treaties with the Indians was in the hands of the bureau, and in no instance were they ever honorably observed. This is a sweeping arraignment, but it is a fact, nevertheless. And the greatest injustice is that the Indian has never been able to life a finger of effective protest against this robbery. He, as a ward of the Government, can't compel the bureau to account to him. He can't remove his guardian for inefficiency or the dissipation of his estate. The courts are practically closed to him.

Solution of Evil.

Q. What is the solution of this evil?

A. The application of the principles of common honesty and fair dealing. The Indian, though cunning in war, was always open and above board in his business transactions. The Indian's estate must be governed by the same principles that govern the white man's property. The Indian Bureau must be reorganized from its tail to its head. Efficient and competent officials must be appointed. Legislation must be passed allowing the Indian to go into court and recover what has been taken from him. The Indian is not afraid of the white man's court. Finally, every Indian child who has arrived at legal age and who has received a common school education should be emancipated from control by the bureau. Why should an Indian child who has sat side by side with the white child in the public schools and graduated with honor be held after reaching majority as a ward of the Nation and denied control of his or her property? All competent Indians should be immediately freed. Do this, and in a few years we will have no Indian problem, no Indian Bureau, and the people of the United States will be saved millions annually in taxes.

Q. Has this condition arisen recently?

A. No. President Cleveland condemned the policy, and during his eight years in the White House removed more Indian agents and accomplished more reforms than any of his predecessors or successors. When Cleveland went out of office his reforms were speedily undone. Brig. Gen. R. H. Pratt, who spent much of his life among the Indians and in the Indian service, never ceased to condemn the system. Senators Robert M. La Follette, W. H. King and Pat Harrison, Norman Hapgood, Hon. Clyde Kelley and many other distinguished Americans have condemned the system.

The Indian is capable of holding his own with the rest of our people. Senator Charles Curtis, now majority leader of the Senate, was born a member of the Kaw Tribe of Indians. Representative William H. Hastings, one of the Democratic leaders in the House, is a member of the Cherokee Tribe. Ex-Senator Moses E. Clapp of Minnesota is of Sioux Indian blood. Ex-Senator Robert Owen is a member of the Cherokee Tribe. Men of Indian blood have in the past held many high positions in our Government.

Here Mr. Rogers rose and walked up and down. He turned to me and said: "The red man's great chiefs are dead. The tomahawk was sheathed long ago. They were conquered by the white man, but on the basis of honorable negotiations. Those terms have been violated. These people are practically in bondage. Let them go in peace."

(Copyright, 1925.)

ORANGE COVE, CAL.
FEBRUARY 12, 1926

LEGAL STATUS OF THE CALIFORNIA INDIANS

"California Indians have a legal status as federal wards that differs widely from their actual status as the wardship is administered, and this theoretical status, created at a time when the local populations were hostile to the Indian, and the federal government was, potentially at least the active guardian of his welfare, survives in an instance where the guardian is indisputably slothful and the state is at least more indifferent than inimical."

This charge was made by Chauncey Shafter Goodrich in an article published in this month's edition of the "California Law Review," the magazine of the School of Jurisprudence of the University of California.

Goodrich analyzed and cited laws bearing on the legal status of the California Indian. He contends that the rejection of land treaties with the Indians has driven them to small barren reservations; in this regard he says:

"The reservations provided by the rejected treaties were similarly treated as part of the public domain and opened to entry. As the land was gradually taken up by the settlers, the Indians were scattered and driven to the hills. Many years later, out of the remaining and less desirable public land small executive order reservations, in the main wholly inadequate as to acreage, soil and water, have been set aside for the use of approximately one-third of the remaining Indians."

Because they were unable to make a living on this poor land, Goodrich contends the Indians were forced to hire themselves out for wages. He also says that California Indians are the "step-children of the Great White Father," and unlike the wealthy Indians east of the Sierras, are needy, and receive less in health and educational services than the average throughout the country.

Protest Using Indians Money to Build Bridge

SANTA FE, N. M., Feb. 10.—(By the Associated Press.)—Alleging bad faith on the part of the Indian bureau, the New Mexico Association on Indian Affairs today telegraphed to the senate appropriations committee a protest against using \$106,000 of Navajo Indian tribal funds, income from reservation oil royalties, to defray half the cost of building a bridge across the Colorado river at Lee's Ferry, Ariz., and one across the San Juan river at Bloomfield, N. M. Each is partly off the reservation.

The house passed the urgent deficiency appropriation bill with an item making the \$106,000 appropriation reimbursable from the Navajo funds.

The protest alleges that the Navajo tribal council made a specific objection to such use of their moneys, and that the Indian bureau promised the council to use its efforts to have the income spent for agricultural and industrial purposes within their reservation.

It is declared the proposed bridges are for the benefit of the general public and will be of little use to the Indians. It is also charged an Indian bureau official informed a house committee that the Indians had not made such a protest.

SAN FRANCISCO—CHRONICLE
JUNE 21, 1926

EVERY PEOPLE HAS ITS BUM CITIZENS

Editor The Chronicle—Sir: J. W. Redington speaks sarcastically of your editorial about the black record of the whites dealing with the Indians. Does he know that there never was a massacre of whites by Indians that was not preceded by massacres of Indians by whites? Here is one of the incidents that brought on the Modoc war: A party of young white bravos, probably full of forty-rod courage, came on an aged Indian trying to cross a stream. They helped him across. How? They roped him, dragged him across, and then to do a good job, they dragged him a mile or two down the road until he was dead. There were many such outrages by whites, and it was these that drove the Modocs to fight, as they would

have driven any people with a spark of spirit to fight. The whites had trouble with the Modocs. They had none with the Diggers. Why? Because the Modocs had guts enough to stand up for themselves and the Diggers took it lying down.

A. F. BRIGHT.

San Francisco, June 21, 1926

Wash. Sta. Feb. 11, 1926

PROTESTS USING FUNDS OF INDIANS

New Mexico Association Objects to Spending Tribal Money on Bridges.

By the Associated Press.

SANTA FE, N. Mex., February 11.—Alleging bad faith on the part of the Indian Bureau, the New Mexico Association on Indian Affairs yesterday telegraphed to the Senate appropriations committee a protest against using \$106,000 of Navajo Indian tribal funds, income from reservation oil royalties, to defray half the cost of building a bridge across the Colorado River at Lees Ferry, Ariz., and one across the San Juan River at Bloomfield, N. Mex. Each is partly off the reservation.

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Vote Right Pleases Indians

Tribes Take Pride In Forecasts

Ballot Is Old Form Of Rule

By CORA IVES

Many people would like to know whether or not Indians are interested in politics. That is a hard question to answer, except that their outlook on politics is different from the ordinary ones, which are incomprehensible to Indians. Left to themselves it is almost impossible for them to grasp them, and politically Americans have never taught them anything.

Our country has never wanted the Indians to vote. We have refused them the right to actual citizenship as long as it was possible for us to do so. Whenever it is still possible we put technicalities in the way that make it practically impossible for them to vote, such as saying that reservation is not state property and therefore they have no precinct, but our main way of keeping them out of politics has been to tell them they knew nothing about politics and can never learn.

That argument is as old as the world, and it has this in its favor: That it has worked for thousands of years and kept millions of people from what was their due. Of course, that theory is false, but it is still accepted almost all over the world, so the fact that many of our Indians do vote, and that we really believe most of them should vote, shows that the Indians were capable of grasping some of our political notions with a good deal of rapidity and that we did not oppose them anything like as much as we might have, although considerably more than we should have.

FRIENDS VOTE

The first thing that tempted our California Indians to vote was seeing their white friends voting. They did not want to get left out on anything. They resented the fact that they had no vote. They had no particular idea of what they would do with one, but it was what every one else considered a right and they thought that if voting was right they ought to have it, too. They knew nothing about politics, they had no pamphlets, newspapers or magazines, so the only type of voting that they were interested in was the type that interested the rural folks around them. It was principally school officers and road supervisors, with every now and then a dash of sheriffs intermingled. The Indians did not know or care about either the roads or the schools or the sheriffs, but those were the only officers they heard their neighbors speaking about, the only ones that were of vital importance in the hills, and they just naturally became interested in what the people around them were interested in. Also there was something tangible about that, something close to home.

The bigger officials they voted for were almost invariably the ones with the best political machine. The hills and the Indians that live there will tell you with great pride that you can almost always tell the way the state is going to go by the way they go. It is very frequently true, but there is a reason for it, that neither the hills nor the Indians suspect. It is not their knowledge of the world that makes them guess right, but the winners' knowledge of man. But they will have elected many senators and presidents before they realize that.

AID OWN INTERESTS

That the Indians could benefit their own interests by voting never occurred to them. That is very natural. Until they began to vote they did not

know they had any interests. After that people began to tell them they had interests, and to explain to them what those interests were. Ten years ago only a few Californians, either red or white, knew anything about the Indians' affairs, now almost all the Indians know them well, and a great many more individuals among the whites. The Indians cannot really benefit their own interests by voting, because they are not numerically strong enough. There are only 20 thousand throughout the length and breadth of California, so politically they are nothing, which they know. But it advertises them to vote.

They have realized that, too, and by calling the fact of their continued existence before the public eye and by interesting themselves in their affairs they have kindled the interest of many people who were indifferent years ago. It is through the white people they expect to get their rights, not through their own efforts. Of course, the Indians did not think all that out for themselves. Some few white men did it for them, but the Indians were very quick to cooperate.

RECENT RULES

The reservation is another thing that the Indians would like to have some say about. Why is it, they ask, that we will allow them to vote for the President and the senators and the governors and so forth, but the overlord on their reservation that lays down the law to them, is appointed, without even the formality of consent from them? Why do we teach them in our schools that such a condition in government is intolerable and have our teaching so different from our practice wherever they are concerned? By what right, asks the modern Indian of today, do we refuse to let them have a voice, not the deciding voice, but any kind of a voice, in their own affairs? Why can they not have some say as to who is to be their agent, even if it has to be a white man, some legal way of expressing their dissatisfaction with him if they do not like him or his policies?

Why does the Indian agent alone do all the financial managing? Why cannot the Indians themselves do it under his supervision? Why does he not have to give them an accounting of the funds received and paid out for them? It is not that the Indians have anything against their Indian agents; they haven't. As a whole, the Indian agents have done a great deal to help with the Indian uplift, but the Indians resent the form of government that is imposed upon them. Their whole social system has always been opposed to autocratic rule. They were always a nation that voted.

Although tribe fought against tribe, there was rarely civil war in the tribe. They like to vote. They always voted on everything we would allow them to vote on, and they think that field ought to be enlarged. Why only allow them to vote on tribal customs and institutions that have no longer practical existence? They as well as we appreciate that to be a waste of time. They do not see why they have to "sneak off" from many reservations to vote at our polls; they do not see why we will not have polls at the reservations for the Indians that have the franchise.

They do not see why our objective is not to let them vote on their own affairs and thus train them to vote on ours.

Nov. 5, 1922

HANDLING INDIANS IN THE OLD DAYS

The life of an Indian was not considered to be worth much in the early days of Monterey county. When he became drunk and "obstreperous," he was placed in the stocks, with hands and neck fastened securely to a board,

and exposed to the public gaze somewhere on a main street, but in some cases more summary punishment was meted out, even to the taking of the offender's life.

Up at the county recorder's office there are several documents that throw light upon the prevailing methods of quelling Indians when they imbibed too freely of the white man's deadly beverages.

On June 3, 1847 according to one of these interesting documents three In-

dians were placed in the stocks at Monterey for drunkenness and the next morning, it is stated in a report made by Walter Colton, first magistrate, two of the prisoners were gone, but the third was in the stocks dead—his head being appended to the body by a single sinew.

No effort was made to find out who killed the Indian, until one Carpio came forward and said that he knew all about the affair. Carpio then appeared before Colton and gave the following testimony:

"Valenzuela and I went to a dance, and as we went along the street we saw three Indians in the stocks, and one of them, named Trifon, began cursing us. Valenzuela asked me why I did not make him stop, and I said I couldn't. Then he said, 'Why don't you kill him—that will quiet him?' But I replied that I did not think it would be right to do that. Then he said, 'I'll show you how to make him stop talking.' Valenzuela accordingly went over to the place where the Indians were in the stocks, which was about twenty yards away. He took hold of Trifon by the hair, and made a motion as though he had drawn a knife across the throat of the prisoner. I immediately heard a noise like a low gurgling or groaning sound, and then Valenzuela returned with the knife in his hand and said, 'I have shut that fellow up.' "

Colton asked where Valenzuela was, and Carpio told him he had gone to San Luis Obispo. No action was ever taken against Carpio.

INDIAN DEMANDS LIBERTY FOR HIS FELLOW RED MEN

Wash. Star

Dec. 27, 1925

Declares Bureau Here Must Be Reorganized and Charges Constant Bad Faith.

BY JOHN T. FLYNN.

"AMERICA has emancipated her colored sons. She has fought two wars to free the vassals of Spain in the Antilles and the submerged peoples of Europe. Now it is time for her to free her Indians."

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A. It begins and ends in the Indian Bureau at Washington and the reservation system, which is its method of perpetuating its existence for political job hunters and office seekers. Our opposition to that bureau is intense, deep-rooted and well founded. Created for the laudable purpose of promoting the welfare of the Indian that he might be absorbed into the body politic of the Nation, it has almost from the day of its creation obstructed the progress of the Indian, despoiled him of his property, crushed and stifled initiative and ambition and been an instrument of oppression. The conditions confronting the Indian under Indian Bureau control have become intolerable. In my own tribe the Indian Bureau in its dealings with the Chippewa people has a record permeated with dishonor. We have been deceived in the negotiation of treaties, the assent of my people in one instance being obtained by apparent bribery. We have been deceived in the execution of treaties.

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Cause of Condition.

Q. How did this condition arise?

A.—President Washington said to the Six Nations in 1790: "The Government will never consent to your being defrauded, but will protect you in your rights." The Indian Bureau was created in 1832. Like all other bureaus of the Government, its officers wanted to enlarge its importance, and it soon became a political institution. As the white population increased the demand of the white man for the lands held by the Indian arose. Pressure on the bureau speedily converted it into a means of despoiling the Indian of his property. The administration of the treaties with the Indians was in the hands of the bureau, and in no instance were they ever honorably observed. This is a sweeping arraignment, but it is a fact, nevertheless. And the greatest injustice is that the Indian has never been able to lift a finger of effective protest against this robbery. He, as a ward of the Government, can't compel the bureau to account to him. He can't remove his guardian for inefficiency or the dissipation of his estate. The courts are practically closed to him.

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(Copyright, 1925.)

GIRL LAWYER AIDS INDIANS BEFORE HOUSE

Miss Ida May Adams of Los Angeles Addresses Committee in Capital for 20 Minutes

Miss Ida May Adams, Los Angeles attorney, appeared before the House committee on Indian af-



fairs in Washington yesterday at the request of the committee, and for 20 minutes spoke in behalf of the rights of the nation's Indian wards.

Members of the committee and citizens present at the hearing displayed both interest and enthusiasm.

Miss Ida May Adams Miss Adams confined her argument to a protest against the courts handling Indian offenses, of which there are 80 in operation, and an appeal that Senate Bill 1038 be substituted for Senate Bil 2705. She urged that jurisdiction over misdemeanors committed by Indians should be transferred to State courts.

REPRESENTS LEAGUE

Miss Adams is the official representative of the Indian Welfare League in legislative matters affecting Indians. She has frequently appeared before House and Senate committees and has secured through them mitigations of many injustices involved in administrations of Indian Affairs.

LECTURES FREQUENTLY

In December, 1923, Miss Adams was a member of the Advisory Committee of One Hundred called together in Washington to consider various problems pending before the department. She represented the Indian Welfare League on that body.

Miss Adams has lectured frequently before women's clubs and other organizations on various phases of Indian affairs. As attorney for the 54 Indians of the reservations in Riverside County who were imprisoned here and tried before the Federal Court for conspiracy against the United States Government in 1921, Miss Adams' brilliant work in their behalf attracted much attention. Among the defendants were the celebrated Fig Tree John and Manuel Tortes, 10 years old.

MARCH 13, 1926

364 **AID SOUGHT** **FOR INDIAN**

Congress Hears **Abuse Charge**

*Frear Declares Bureau Has
Rivaled Inquisition in
Its Guardianship*

*Red Men's "Judges" Flayed;
Bill Asks Jury Trial and
Right of Appeal*

[EXCLUSIVE DISPATCH]

WASHINGTON, March 12.—A joint resolution has been introduced in Congress by Representative Frear of Wisconsin calling for the appointment of a Congressional committee to investigate charges of abuse, neglect and misgovernment of the Indians under the Bureau of Indian Affairs.

The resolution characterizes the administration of the Indian Bureau as "seventy years of Spanish inquisition guardianship over the Indians, with the result that the Indians are without any hope of protection save through an aroused public sentiment and intervention by Congress."

BUREAU ATTACKED

Friends of the Indians hope the investigation will demonstrate to the country at large that the Indian Bureau "with its notorious scandals, robbery of its wards and systematic oppression has outlived any usefulness it was supposed to have when first organized."

A rank imposition upon the Indians, proposed by the Bureau of Indian Affairs and requested of Congress, moved Mr. Frear to introduce his resolution asking for an investigation.

The proposed investigation came up in the House Committee on Indian Affairs, of which Mr. Frear is a member. The Commissioner of Indian Affairs offered a bill before the committee proposing to give what are termed Indian judges, who are paid \$10 per month each for their services, the power to impose a penalty of six months in jail or a \$100 fine against any Indian on any reservation, by reason of the proposed law. There would be no right of a trial by jury granted the Indian nor would he have the right of appeal.

"JUDGES" HAVE POWER

In response to questions from astounded members of the House who heard the terms of the proposed bill read, Mr. Frear explained that these Indian judges are not required to possess any legal qualifications whatsoever. They would be merely appointed by the Indian agent on the reser-

(Continued on Page 2, Column 3)

OPPOSED BY LOS ANGELES
Supervisors Bean and Wright of Los Angeles led the opposition to the plan adopted. A telegram from the Los Angeles Chamber of Commerce, opposing a plan which levies tax and any plan which not specifically provide for representation without comment. Supervisor Wright said it was useless to try to win over a convention where the northern counties were represented by 65 delegates, but he was for the counties.

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(Continued from First Page)

vation, who, in turn, is appointed by the Indian Commissioner. The only qualification necessary, said Mr. Frear, is the ability to get the appointment.

"They not only have the power to sentence an Indian to six months in prison—they are doing it now without any law, and I am prepared to bring evidence of that fact before you," said Mr. Frear. "Very naturally they carry out the will of those who appoint them."

The judges, it was explained, exercise judicial authority over any Indian offense outside the eight crimes that are retained by law in the Federal courts' jurisdiction.

Mr. Frear read into the record the case of an Indian, 26 years of age, arrested at the Lac du Flambeau agency in Wisconsin on some sort of a misdemeanor charge.

He was taken before the superintendent of the reservation, who, it was charged, had with him an Indian judge who could not read or write English. The superintendent prepared and read the sentence, one of six months. The prisoner later was found in a cell in the agency jail, size six feet by eight feet, with a bunk and a clogged lavatory in the cell. The Indian had a ball and chain fastened to his ankle, it was charged. Similar cases of sentence without appeal and without due process of law were read into the record.

In order to remove this form of abusing the Indians, Mr. Frear introduced a substitute bill granting the Indians court trials and the right of appeal.

8 Wash. News, April 5, 1926.

Congress Prepares to Ratify Grab of Indian Oil

Bill Pending Which Approves
Action by Secretary Fall —
Was Held Illegal by Stone

By EARL SPARLING

Congress is preparing to sanction the attempt made by Secretary Fall to give away oil rights on more than 400 square miles of Indian land in Arizona, New Mexico and Utah.

The sanctioning bill additionally affects millions of acres of executive order and Indian land in eight other states: California, Minnesota, Nebraska, Washington, North Dakota, Nevada, Montana and Idaho.

Reported Favorably

The bill already has been reported favorably by a House committee.

There are some 23,000,000 acres of unallotted land given to Indians at various times by executive order of the President. The land was always supposed to belong to the Indians unquestionably.

Along came Secretary Fall three years ago, however, with a ruling that the Indians had no vested rights in this land, that the government could take it back whenever it pleased.

Claimed Oil

Fall therewith allowed oil prospectors to march into the Navajo reservation in the southwest and lay claim to oil rights on any land they fancied. Hundreds of applications were filed, each prospector claiming full drilling rights on one square mile and optional rights on three additional square miles.

Fall actually granted 20 of the applications. Then Atty. Gen. Stone ruled that Fall had no legal right to do all this. One applicant took the matter into court and has a case now pending before the U. S. Supreme Court.

The bill pending in Congress sanctions Fall's procedure by providing that the present Secretary of Interior can at his discretion approve and validate any application filed prior to May 27, 1924. This will allow at least 400 applications to be approved, according to John Collier, of the Indian Defense Association.

COMPTON, CAL. TRIBUNE

SEPTEMBER 8, 1925

Indians of State In Great Need Says Speaker At Woman's Club

364 By MATTIE B. BENNETT

A startling revelation of the condition the Indians of the state of California are in was made before the Women's Club Tuesday afternoon by Mrs. Louis J. Gillispie, state and district chairman of Indian Welfare, C. F. W. C. Two pleasing solos preceded the talk of Mrs. Gillespie. Mrs. Dot Bonar, in Spanish costume, sang two lovely solos. Mrs. W. J. King, wearing an Indian costume, sang a plaintive Indian melody. Both were roundly applauded.

Of Indian Birth

Mrs. Gillespie, in her talk threw light upon some of the problems confronting California Indians. She makes personal visits to the reservations at Tule, Tulare county, also at Leemore, Susanville, Greenville, in the northern part of the state and five in the lower portion of California. She was born of an Indian mother, upon the Missouri river. Her father was French. She is a charming woman and sincere in personality, well educated and the wife of an American, their home being in Long Beach.

In Great Need

She said the Indians at Bishop and in Inyo county are in the greatest need. The old braves are sadly in need of warm clothing and the entire tribe suffers from hunger. Their rations allotted them per month, are not more than enough for one day. All wages are small, she declared. They are allowed little privilege in hunting and fishing, are compelled to carry licenses, which few of them have money to buy. She also made a plea for clubs to use their influence to have the Indians attend local schools that they might have home life.

Taken From Homes

In places, she said, superintendents go into the homes without consent of the parents, take children away to the schools and they are never allowed to return. Also she said, they are put to work, their wage is collected by the superinten-

dents and used to maintain the schools or perhaps help clothe the children. At least they never are allowed to spend the money earned.

Are Slaves

She spoke of crowding them back upon worthless acreage in two small proportion to support their families. They are wards of civilization, she declared, but in reality are only slaves of their white brothers. In their little, crowded huts, poorly ventilated, at best, she said, they are prey to disease and in the 65 reservations there are only about 17,000 living in the state.

INDIANS DESIRE FULL TITLE TO ALLOTTED LAND

Mission Redskins Ask U. S. Government to Give Them Ownership

LOS ANGELES, July 30.—A plea to the United States government to give them full deed and title to the lands allotted them in Southern California, 30 years ago, will be made by 800 Mission Indians, it was learned here.

The announcement was made by Clifford M. Johnson, a member of the tribe. The action is an echo of the suit for \$69,707,343.47 recently brought against the government by Indian tribes of the northwest.

The lands in question, the Indians assert, were taken from them by the government and leased to white farmers and cattle raisers. In all cases the money for the leases went entirely to the government, they claim.

"We have been forced from the land so that we are now driven to desperation to earn a living," Johnson said. "What we want is full deed and title to these lands, not a trust patent as was given us. That is all we want. We do not ask for a cent of the taxpayers' money."

SACRAMENTO, CAL.—BEE
January 14, 1925.

TWENTY-NINE BILLS UP, ASSEMBLY RESTS

Indian Affairs.

Senators Fred C. Handy of Ukiah, Slater of Santa Rosa and H. C. Nelson of Eureka joined in the introduction of a joint resolution to ask congress to have the authorities intrusted with the federal administration of Indian affairs to make an immediate investigation, to the end that the conditions for Indians throughout the state be bettered, particularly with regard to the relief and care of aged Indians.

Wash. Star, April 2, 1926

PROBE OF INDIAN AFFAIRS LOOMING

Bill to Lease Land May Bring Old Issue to a Head in House.

BY DAVID LAWRENCE.

The American Indian at last is coming into his own. He is responsible for one of the most sensational situations that Congress has had before it since Teapot Dome stirred up a spirit of suspicion and investigation.

For now it is proposed in a bill just reported to the House that 23,000,000 acres of valuable oil and gas lands shall be opened to development. Will the potential royalties of the Indian be taken from him in larger quantity than is customary in oil areas? The outcries of irregularity are beginning to be heard over the noise of other debate.

In 1924 the Indian was declared by act of Congress to be a citizen. Therefore he is beseeching Congress for equal treatment with other citizens. He wants the right to go to court, which right he does not possess, for the Indian Bureau of today still follows the policy of past generations in regarding the Indian as in need of a guardian. The acts of the Indian Bureau are final and not subject to review.

Probe Held Necessary.

There has sprung up an Indian Rights Association, which declares the Indians' liberty is absolutely in the hands of the Indian Bureau and that abuses have occurred which demand a congressional investigation.

Entirely apart from the question of ill-treatment, however, is the material problem of property rights.

The Indian lands contain valuable mineral resources. White men wish to exploit those resources. The Indian Bureau has favored legislation whereby 37½ per cent of the royalties from oil produced on Indian lands shall go to the States and exempting the oil producers from taxation. The friends of the Indian insist that the customary royalty for white men is about 12½ per cent, and in rare instances goes up to 22 per cent.

The Navajo Indians, whose lands are involved, have been in debt for several years. It is said that it would take seven years to get them out of it. Their funds have been obligated for them by the Government in the building of tourist bridges and other improvements. The House of Representatives has struck out the 37½ per cent royalty for the States and has given the Indian a better share, but the friends of the Indian are afraid the same thing will happen this year that happened last session, when the House kept out of the bill the obnoxious provisions only to have the Senate tack them on, and but for a point of order by Mr. Dallinger the conference report would have carried.

Hold Price Is Too High.

The Indian Rights Association hopes to be able, under the rules, to defeat hostile legislation. All sides are agreed that some legislation is necessary, but its champions say they will not pay as the price of the needed changes a royalty that is out of line.

There are, of course, good Indians and bad Indians. Strict laws to obtain discipline and obedience are necessary for many, but under the existing system the mandate of a Government bureau is all-inclusive. The pending legislation would do one thing that the Indian has wanted—it would establish beyond doubt his legal title to the property in dispute. Heretofore it has been argued in the courts that by Executive order the lands could be leased to anybody. Under Secretary Fall's regime this was done and there is a case before the Supreme Court of the United States to determine the validity of his action. By legislating what shall be done with the Indians' royalties, the question of property rights of the Indian is definitely established. Some of the legislation would retain a certain hold nevertheless on the Indians' possessions by making the grants revocable by Executive order.

Intimidation Is Seen.

While no wholesale revocation would take place, the Indian leaders think this means that a club will be held over them and that they will be subjected to intimidation constantly unless they dispose of their lands to the white man at the latter's prices, for politically the people who seek oil lands for development and production are more powerful than the Indian.

Party lines have disappeared in the fight. About 340,000 Indians have been declared citizens and eligible to vote. The Indian Bureau in the Department of Interior always has had an extraordinary influence with Congress, for the Indian Bureau controls the deposits in local banks in Indian areas and has a general power over Indian affairs which members of Congress from States containing Indian reservations do not like to see allied with their political opponents.

The Indian Bureau itself has a perplexing job with local administration and has in past years felt justified in using iron-handed tactics to get results. There are two sides to the story, as the volumes and volumes of printed testimony of the hearings will disclose to the casual reader, but whether the disposition of the land that once belonged to the Indian is fundamentally just will be debated henceforth in Congress and a general inquiry into the status of the Indian may result from the disclosures to be developed in the debate.

(Copyright, 1926.)

Nash Star April 13, 1926

HUGE SUM ASKED OF U. S. BY INDIANS

Claims Totaling \$411,957,-
632 Already Filed, With Like
Amount to Be Filed.

BY FREDERIC WILLIAM WILE.

Behind the Budget Bureau's request for a supplemental appropriation of \$150,000, just submitted to Congress, lies the story of the most colossal money claims ever filed against Uncle Sam by his Indian wards. A dozen or more tribes are seeking payment of claims aggregating \$411,957,632. The claims, in the form of "jurisdictional bills," have already been approved by previous Congresses and are now on the threshold of formal prosecution in the Court of Claims. The United States must defend them or they will become collectible by default. In order to examine the Government's responsibility, it will be necessary for John H. McCarl, controller general, to conduct investigations running in some cases, as the claims themselves do, as far back as the year 1800.

To enable McCarl's office to do so, Gen. Lord, director of the budget, has petitioned Congress to supply funds for extra legal and clerical help. Altogether, Gen. Lord estimates, it will cost the Treasury \$200,000 to defend the Indian claims.

List of Pending Claims.

The list of claims now before the general accounting office for certification is as follows:

Name—	Amount.
Flandreau band of Santa Sioux Indians.....	\$474,756.00
Osage Nation.....	3,094,839.64
Sioux tribes.....	221,945,139.00
Fort Berthold (Arikarees, Gros Ventres and Mandans),	39,215,374.39
Klamath Modoc tribes (and Yahooskin band of Snake Indians).....	995,000.00
Assiniboin tribe.....	1,050,439.13
Iowa tribe.....	1,038,631.15
Blackfoot tribe and others..	68,707,362.47
Delaware tribe.....	500,000.00
Wichita and affiliated bands	11,287,039.00
Kansas or Kaw tribe.....	63,649,051.76

Total\$411,957,632.54

These claims, aggregating in the neighborhood of half a billion dollars by no means exhaust the bills which his red-skinned wards have tendered Uncle Sam for payment. There are, indeed, eight more "jurisdictional bills" which have passed Congress, no proof of which has yet been filed before the Court of Claims.

Total Nearly Billion.

The total of these additional bills is about \$400,000,000, so that the red men are after something approximating a billion from their more or less solicitous guardian. Some authorities don't quite see the reasonableness of a "ward" suing his "guardian." But the finance officers of the Government—men like Gen. Lord, in particular—feel that the Indians are entitled to their day in court. That is why the controller general will be directed to make the fairest and most exhaustive survey possible of the Indian claims.

In general, the claims rest upon moneys said to be due this or that tribe from the United States "under treaties, agreements or laws or for the misappropriation of any of the funds" of given bands or tribes. A good many of the claims are pretty "tall" and few err on the side of underestimation of funds said to be due for various causes. Many of the claims seek to assess Uncle Sam for sins of omission. For example, tribesmen who were assigned certain "educational fights," which they contend were never granted them in fact, have put in bills for "schools that were not built." A large slice of the biggest Indian claim, that of the Sioux tribe, aggregating \$221,945,139, is made up of "unbuilt school" items.

Another favorite claim is the land taken from the Indians for govern- mental purposes and then not devoted,

Special Disp

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—Struck by

Brunswick Sun

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boarded.

as the claimants aver, to the exact purpose for which the property was relinquished. An instance of that sort is comprehended by a bill passed in Congress for the benefit of a tribe which wanted a certain buffer strip put between them and another tribe which was considered hostile. The arrangement was, it seems, that Menominee Indians were to be established on the buffer territory in question. Instead of that, the government put in a band of Arapahoos, who were not considered friendly enough. The result was a claim for the value of the land thus improperly utilized—and a big claim.

"Jurisdictional bills"—i.e., acts of Congress enabling Indians to sue in the Court of Claims—are common in Congress. Only a few weeks ago Senator Harrel, Republican, of Oklahoma, put in a typical bill of that sort on behalf of the Pottawatomie Indians resident in his State.

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HEALDSBURG, CALIF.
ENTERPRISE

FEBRUARY 25, 1926

1926

Indian Reservations In Terrible Condition

Miss Hilda Bowler, of the National Indian Defense Association, Miss Helen MacRae, Mrs. Walter Leroux, chairman of the Indian department of the P. T. A., and Miss Louise Clark, county superintendent of schools, visited the two Indian reservations in Alexander Valley, last week end.

Their report is similar to that of others who have visited these reservations. The 20 Wapo Indians above the Rodgers school were given 30 acres of adobe land with but one small shack. Less than one half acre can be used for gardening. There are seven families in the one house with only three able bodied men to hunt, do good wood cutting and such other day labor as can be secured. There are only two other men—one very old, while the second is so ill that it will be necessary for him to go to the county hospital for an indefinite time.

The poor shack has barely room to house the 20 inmates at night. The roof is so frail that no one can go on it to mend the leaks and the two little tents are not comfortable places this wet weather. There is one poor bed and two mattresses for their comfort.

The Dry Creek group of Indians on the Geyserville reservation have more comfortable homes but they have been assigned to a veritable canyon between steep hills, land which is impossible for cultivation. There is not more than 10 feet square on the level even for a garden space.

LEGAL STATUS OF THE 364 CALIFORNIA INDIANS

California Indians have a legal status as federal wards that differs widely from their actual status as the wardship is administered, and this theoretical status, created at a time when the local populations were hostile to the Indian, and the federal government was, potentially at least the active guardian of his welfare, survives in an instance where the guardian is indisputably slothful and the state is at least more indifferent than inimical."

This charge was made by Chauncey Shafter Goodrich in an article published in this month's edition of the "California Law Review," the magazine of the School of Jurisprudence of the University of California.

Goodrich analyzed and cited laws bearing on the legal status of the California Indian. He contends that the rejection of land treaties with the Indians has driven them to small barren reservations; in this regard he says:

"The reservations provided by the rejected treaties were similarly treated as part of the public domain and opened to entry. As the land was gradually taken up by the settlers, the Indians were scattered and driven to the hills. Many years later, out of the remaining and less desirable public land, small executive order reservations, in the main wholly inadequate as to acreage, soil and water, have been set aside for the use of approximately one-third of the remaining Indians."

Because they were unable to make a living on this poor land Goodrich contends the Indians were forced to hire themselves out for wages. He also says that California Indians are the "step children of the great White Father," and unlike the wealthy Indians east of the Sierras, are needy, and receive less in health and educational services than the average throughout the country.

The article by Goodrich is to be completed in the next issue of the publication. Other articles in this month's Law Review are: "The Corporate Securities Act, Recent Cases and Amendments" by Lionel Benas; "Comment on Cases," "Recent Decisions," and a section of reviews of legal literature.

The Law Review is published by the students and faculty of the School of Jurisprudence of the University of California.

MARCH 26, 1926

INDIANS ORGANIZE FOR TRIBAL PROTECTION

A righteous defeat—to which Congressman Swing of California contributed—was that of the project for construction of a bridge at the Grand Canyon of the Colorado with money drawn—at least in part—from funds of Indians under the care of the federal government.

No wonder the surviving tribes have formed an organization for mutual protection, in their dealings with the government.

A spokesman for this organization recently said at Washington, of the Indian Bureau:

The bureau is supposed to care for the Indian, but instead it exploits him.

His timber is sold, his land is leased for grazing, and the money placed to his credit in the treasury. Merchants are warned not to credit him—he is a ward of the government.

But when he applies to the commissioner of Indian affairs he finds only a small fraction of the value of his timber and grazing actually is credited to him.

The same spokesman declared only \$243,000 had been placed to the credit of the Indians for \$17,000,000 worth of timber, and also grazing privileges, sold from the Klamath reservation in Oregon—from lands the government holds ostensibly for the benefit and protection of the Klamath tribe of Indians.

The San Bernardino Sun says in this connection:

It will be remembered that when the Colorado River bridge below Needles was constructed that the government's share—one-third of the cost—came from the Indians' funds. Yet the Indians receive not nearly a third of the benefits of this bridge.

It's "the same old story"—seldom or never does the Indian get what should be coming to him in his dealings with the white man or the white man's government.

Treatment of Indians: Writings of John Collier

1923-38

Plundering the Pueblo Indians

*Read the Shameful Story
and Blush for America*

By John Collier

Author of: Democracy Every Day, etc.



A mother of Taos

THE Pueblo Indians of New Mexico are now facing the crisis of their long history. They are the most interesting Red Indians living. They number about 8000 and live in twenty pueblos, or villages, five, six and seven thousand feet above the sea. New Mexico is a land of ruins—there are hundreds of ancient crumbled cities. These living pueblos were ancient when Cortez came to Mexico. They were the northern outposts of that great cultural system of the Mayans and Aztecs and they are its last survivors.

The Pueblos are fighting desperately against a quick destruction. Their opponents in the struggle are certain land-grabbing interests and, for the time being, the executive branch of the Government of the United States. This article is an appeal to American citizens to use their voice and vote to prevent the crowning infamy of the long black record of America's treatment of its aborigines.

The assault on the Pueblos is known by the name of the Bursum bill. This bill, sponsored by Secretary Fall of the Department of the Interior and called by him an "administration measure," was passed by the Senate in September. It was temporarily blocked in the Indian Committee of the House of Representatives by the General Federation of Women's Clubs, by Representative Swing of California and by other friends of the Indians. The effort to drive the bill through will be resumed when Congress convenes in December. This Bursum (Fall) bill will be "countered" by an opposition bill supported by friends of the Indians and of

the square deal, and for reasons that will appear below, the struggle will have a national significance.

In simplest terms stated, the Bursum bill deprives the Pueblos of their land and their water and leaves several thousand Mexican and American claimants to fight each other legally for the possession of these lands and waters, to the perennial enrichment of lawyers who are working to enact the Bursum bill.

A Colorful History

One must know something about the Pueblos before he can understand the meaning of their present peril and struggle. A thousand years ago, these Indians built irrigation ditches and dwelt in their towns which are today as strange and as lovely as any cities of old Europe or Asia. They were warlike, but only in defensive war as against the Comanches, Utes and Apaches. They were artists in weaving, pottery, turquoise jewelry and decorative costumes. They were marvelous dancers

and singers. Their religious and social organization was very complex, and they had found out a way to be communists and individualists at one and the same time. They were kind toward children and their women held high status in the domestic and community life.

What these Pueblos were when the white man came, they still are. The Pueblos of Zuni, Santo Domingo and Taos live on today, mysterious and colorful and vital from the ancient world. Gold-seekers devastated the Indian civilizations of Mexico. The Pueblos had no gold and were spared. The Franciscan monks came from Spain and slowly gained their way to the heart of the Pueblo Indians. The Indians voluntarily became Catholic Christians, but underneath they kept all their earlier pagan wildness and splendor. The Franciscans had no wish to stamp out the beauties of the archaic life, and it is these missionaries, and they alone, who showed statesmanship toward the Indians in the whole

of America and through all the centuries to the present day. The approved method of "Americanizing" the Red Man has been and is to kill his soul and poison his body with white men's diseases, cut his long hair and dress him in overalls. Thanks to the Franciscans, and to Spain which accepted their leadership in its Indian policies north of Mexico, the Pueblos exist today in their ancient wildness and sweetness, tempered with Christian creed and Christian morality.

Now to the Bursum bill and the proposed extermination of Pueblo life.



The north pueblo house of Taos. If the attempted robbery is accomplished, this example of the oldest civilization in the United States will utterly vanish



These are all homes of squatters on the land of the San Juan pueblo. Of its 4000 irrigable acres this pueblo has been robbed of all but 588

When the Pilgrim Fathers were landing in Massachusetts, Spain already was establishing Indian reservations round the pueblos. Following on the Royal Cedula of 1687, the Spanish policy was made perfectly definite. Each pueblo received a grant of land, in most cases reaching a league to each point of the compass from the church within the Pueblo village—about 17,000 acres of ground. The Spanish understood the basic fact of Pueblo life, which is that the whole social, religious and moral structure of that life rests on the land and exists in terms of the land. Individual Indians were forbidden by Spain to sell this land. The pueblo as a community was forbidden to sell. White men were forbidden to buy or to seize the land. "Hereafter as heretofore," one reads in an old parchment signed by the Spanish Governor Maynez, which is still kept at the San Juan pueblo, "no one can sell or trade this land and no judge can pass on the title for sale. No Spanish governor has power to alienate these your lands." The Indians could loan or rent their land, but they could not sell it.

Law-Breaking "Squatters"

In Lincoln's first presidency, after the United States had annexed New Mexico, Congress re-affirmed these ancient grants, placing the lands in the keeping of the pueblos in fee simple. Each pueblo cherishes its guarantee of land tenure with Abraham Lincoln's signature at the end.

So much for the basic law governing these Indian lands. The practise has been different from the law. For centuries, non-Indian "squatters" have been encroaching. Since the United States became the Indian's guardian the squatters have multiplied faster and faster and have expanded their original claims. While these non-Indians were taking the land, they took the water as well. The Pueblos, through their councils and governors, have protested unceasingly—a vain despairing protest across two hundred years. The civil authorities, corrupt, inert, fearful of the vengeance upon themselves of the squatters, have refused to eject the trespassers. Why did not the Indians take matters into their own hands? The reader will learn the answer after a mo-

ment, and likewise will learn to what pass the Pueblos have been brought. But a word more of history is needful. Now and then, for brief times, there have been attorneys, representing the United States Government, appointed to protect the Indians, who have done their duty. Their careers have been stormy and as a rule brief. One of these attorneys was Francis C. Wilson of Santa Fe. Against the passive resistance of the Bureau of Indian Affairs, Wilson carried to the United States Supreme Court and won, on behalf of the In-

dians, a momentous case known as the Sandoval Case. By this case, in 1913, the Supreme Court in an elaborate and lucid verdict declared or implied that no one acre of Indian land could ever legally have been alienated; that all alleged titles, whether based on seizure or on purchase, ancient or contemporary, were null and void.

Before he could press the advantage offered by the Sandoval opinion, Wilson was allowed to resign. There was a lull; then in 1918 another Government attorney tried to do his duty. This was Judge Richard H. Hanna of Albuquerque. He instituted proceedings under the Sandoval opinion of the Supreme Court, designed to recover for the Indians their land. Judge Hanna lasted just a year and a half; then he followed Francis Wilson to the limbo of the defeated brave. Hanna is a Democrat and Wilson is a Roosevelt Republican. The Pueblo question is not a party question.

And now the reader can understand the Bursum bill. The Sandoval opinion and Judge Hanna's unsportsmanlike onslaught against his fellow-citizens and voters disquieted the politicians, mortgage-holders and Indian-land squatters of New Mexico. Constructively, all this land-loot must be returned to the Indians, its rightful owners. But the Supreme Court had likewise declared that Congress has plenary, that is, unconditioned, power with regard to these Indian lands. All right—then Congress can legalize the loot; Congress can "clear the titles" to all this pilfered land. Congress has



The governor of San Ildefonso pueblo



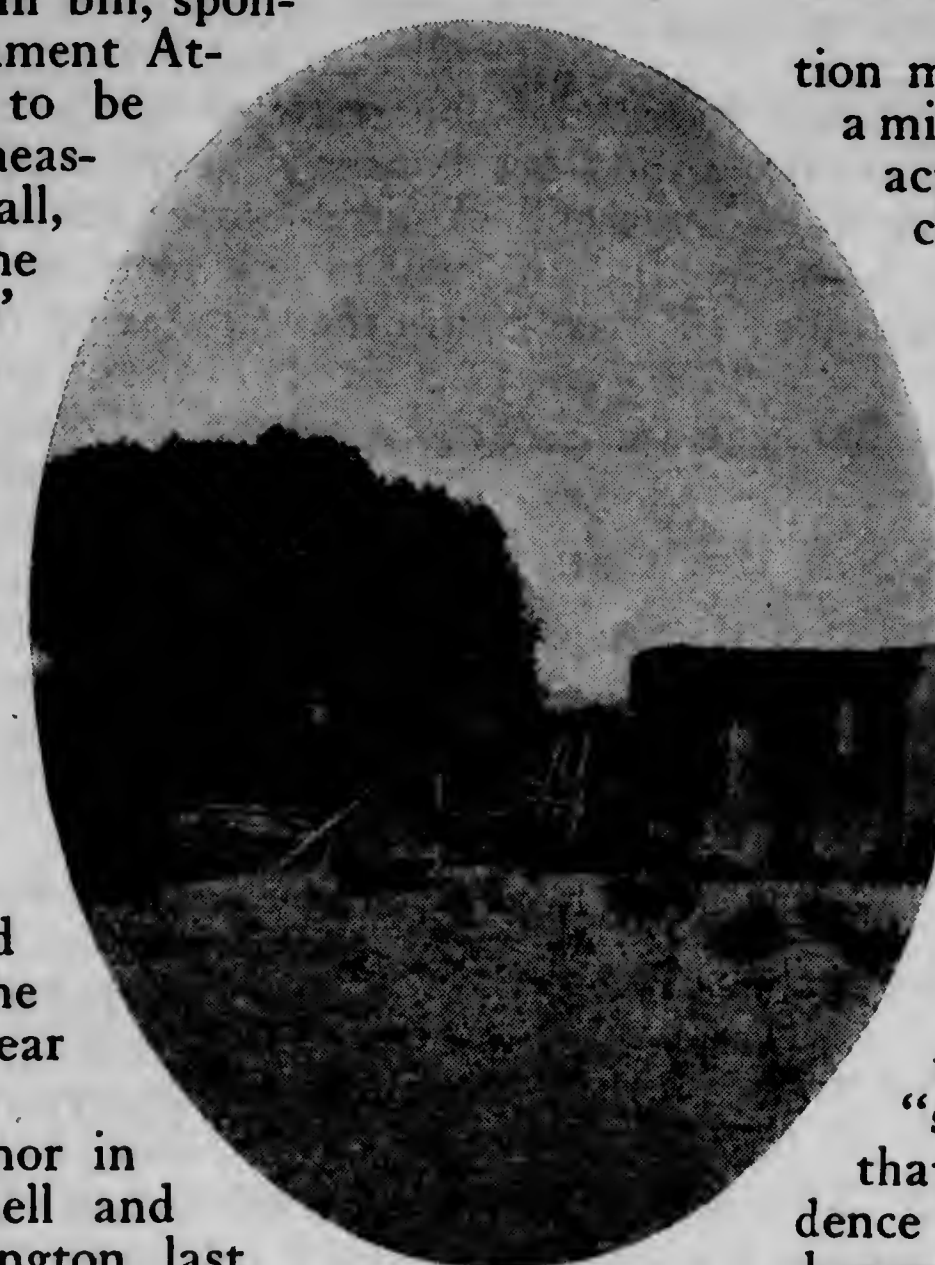
When Picuris pueblo had abundant land, these houses were inhabited. Now they are in ruins and the population is dwindling

broken faith with at least four hundred Indian tribes before now; why not once again? So the attorneys of the Government, drawing salaries to defend the Indians, become exceptionally inactive. The whole State is quietly informed: "The titles are going to be cleared." The scholarly and public spirited Col. R. E. Twitchell is designated special United States Attorney for the Indians, at \$8400 a year. Col. Twitchell prepares an historical resume and a legal interpretation, so readable and informing that the Archaeological Society of New Mexico prints it in full on March first of the current year. The Twitchell brief overwhelmingly exhibits the facts which are stated in the paragraphs foregoing. Thereupon is prepared a bill, for Congress to make into law. A. B. Renehan, attorney for numerous Mexican land-claimants, and Twitchell, Government Attorney for the Indians, jointly proclaim authorship of the bill. Together they visit Washington. Lo—the Bursum bill. And lo! This Bursum bill, sponsored by the Government Attorney and declared to be an administration measure by Secretary Fall, turns upside-down the whole three-centuries-old policy, burns every ancient guarantee to ashes, and instructs the United States Courts to proceed forthwith, without option, to the confirmation of every land seizure whether committed under Spain or Mexico or the United States, yea, even the trespasses of the year 1922!

There is grim humor in that visit of Twitchell and Renehan to Washington last summer, and in the conference there which made this Bursum bill monster into an administra-



Goats threshing wheat at Picuris pueblo. For centuries these Indian farmers have been self-supporting. Now they may lose what is left of their land



Squatter's home in San Juan pueblo

tion measure which, but for a miracle of lightning-quick action by the women's clubs, would be a law today.

The bill specifies three types of land-claims against the Indians, these three types including all possible claims. First there are the lands occupied "with color of title" prior to 1848 when New Mexico became American. The Court is ordered to admit and to make competent "secondary evidence"—that is, rumor, oral evidence of alleged ancient documents, and anything else that is handy, in proof of these "colors of title." These holdings or claims pre-dating 1848

are to be awarded forthwith to the non-Indians with no compensation to the Indians. The second class of claims are those without color of title—that is, the simple trespasses planted by force without a vestige of legality, at any date prior to the year 1900. These claims represent hundreds of thousands of dollars of value taken from the Indians. The Court is ordered to accept as *prima facie* evidence the surveys made at divers times by the United States Surveyor General. The last of these surveys marked out the lines of the sundry non-Indian claimants in accord with any claim any Mexican or American at the time chose to make, with a resultant increase of several hundred per cent in the alleged holdings of non-Indians. It is called the "Joy Survey," and the survey plats, hundreds in number, explicitly state that the survey was nothing more than a physical depicting of conditions and claims as they then existed (i. e. six years ago). The Joy Survey was not corruptly made. The object was to give the Government advance information as to the non-Indian claims so that the Government Attorney could prepare to meet these claims in court and defeat them. The Bursum bill makes this survey into *prima facie* evidence of the boundaries of the claims, adverse to the Indians, thereby turning it into an instrument against the Government and the Indians instead of a means of defense, which was its original and sole intent.

Empty Promises

Now the Bursum bill proceeds to offer compensation to the Indians. Compensation: from public land, irrigable, adjacent to the pueblos. In most instances no such public land exists. As an alternative, the Secretary of the Interior shall compensate the Indians with money which he will administer for their benefit. No appropriation clause; no definition of a method for evaluating the lands to determine the just compensation save that the court shall fix an *unimproved* value (this is land farmed and cultivated by the Indians for generations); merely an instruction to the Secretary of the Interior to "segregate" and administer for the Indians a phantasmal fund which he does not possess and has no means of acquiring.



This new squatter has just recently taken possession of Indian land within 300 yards of the center of Picuris pueblo. He can't be evicted



A New Mexican court took this alfalfa field from a Pueblo Indian because he had failed to pay a debt of four dollars

Here enters the grim humor. The same visit at which it was arranged to take from the Indians their land and, in effect, their lives, with a statutory hint at a compensation likely never to materialize, nevertheless did provide compensation for the Indians. The Secretary of Interior himself gave it, out of his personal money; it was a silver cup nearly a foot and a half high, to be awarded to the most artistic Indian group which should perform or exhibit at the Santa Fe Indian Fair. It graces the Santa Fe Museum now, this compensation, looking strange amid the softly molded pottery shaped by the hands of these Pueblo women doomed by the Bursum bill to become homeless.

As for those who have seized Pueblo land since 1900, and down to the date when the Bursum bill becomes law, they too shall be confirmed in their ownership. For these, the Court shall decree a compensation which they, not the Government, will pay into the Department of Interior to be administered for the benefit, if such it be, of the Indians.

The bill is subtly evil in its clause regarding water-rights. Water is the land's life in New Mexico. Year by year the trespassers have been taking away the water which used to flow through these ancient ditches built by the Indians. Sometimes they have simply taken the water, sometimes they have secured an award from one or another branch of the New Mexico local courts. Of these courts Col. Twitchell has this to say in his brief, above referred to: "Trespasses have been the rule rather than the exception in the use and occupancy of pasturage lands, and our local courts have yet to show, in my judgment, where an Indian has ever received a square deal."

So the bill which Col. Twitchell drew as attorney for the Indians, acting for the Department of Interior, lays it down that the Indians shall be entitled only to such water as, at the moment when the bill becomes law, is actually being delivered on to lands "irrigated and culti-

vated." For any additional water the Indians are delivered into the hands of those local courts which Col. Twitchell above characterizes. And the Indian pasture lands, while dependent on irriga-

"TRESPASSES have been the rule rather than the exception in the use and occupancy of pasturage lands, and our local (New Mexican) courts have yet to show, in my judgment, where an Indian has ever received a square deal."—Extract from a brief by Col. R. E. Twitchell, Special U. S. Attorney.

tion, are not cultivated. The monotony of this account may be broken here by an example.

The pueblo of Tesuque has been deprived of its water within recent years, through the tapping of its Indian-built

ditch at a point outside the Indian land-grant. It uses seepage-water from the dry bottom of the Tesuque river and is meagerly able to irrigate 200 acres. On this 200 acres, 119 Indians are struggling to live. It is a losing struggle, and at the moment this article is being written, the Indian Superintendent for the Northern Pueblos is reported to be sending to Washington an emergency call for *free rations* for Tesuque pueblo—the beginning of the end.

Tesuque has a pathetic little grazing commons, about twenty acres, never cultivated but growing wild for the horses to nibble. And this, by the Bursum bill, is to be thrown into the local courts with the certainty that the trickle of water which keeps it green will be allotted to the nearby non-Indian fields in case the non-Indian owners want it enough to go into court.

Now let us turn afield. What have the Indians lost by trespasses and through alleged sales, totally unauthorized, by individual Indians in the past? All or nearly all that has been taken from them would be restored to them if the Government honestly prosecuted their cases in the United States courts. The Bursum bill will take it from them irrevocably. How are they managing to live on what is still theirs to use?

There is a country of mystery and dream, thirty miles north of Santa Fe. There, at Puye as it is called, are the dead cliff cities from which, centuries ago, the Santa Clara and Tesuque and San Juan and all the Tewa Indians came. They came in swift flight from some overwhelming foe, it would appear, for within the caves here and there are found precious objects—prayer-sticks, sacred mummied birds and pigmy corn—objects left behind in the flight. Down to the levels beside the Rio Grande they came, to another sort of death from that which had threatened them on the heights.

Nearest to this mother-land of dim-



On the lands of the Picuris pueblo a trespasser has built his house within a stone's throw of the pueblo church

colored ruins is the Santa Clara pueblo. Santa Clara contains 363 Indians. It retains the use of about 600 irrigated acres. Part of this land is water-logged, and fully a third of it is subject to annual flooding at planting-time from the Rio Grande. There were some hundreds of acres of uncontested Indian land once cultivated which now are a dry waste; the non-Indians have appropriated the water. The Santa Clara Indians, according to the careful studies which have been made by the Government's farmer, R. L. Hubbard, are able to get no more than 20 per cent of their half-starved living from their remnant of land. The rest they get by "working out," many of them in Colorado and Arizona—literally exiled from their families and their home.

San Ildefonso pueblo lies south of Santa Clara. Its land as granted by Spain and confirmed by the United States Congress is about 12,000 acres. There are 1250 acres irrigable with the present limited irrigation system. The Indians retain the use of just 248 of these acres. Non-Indian claimants have thrust themselves into the heart of the village. Recent trespass has established a Mexican store within thirty feet of the pueblo church and now a Mexican dance-hall is projected. A photograph was taken of the Governor of San Ildefonso as he stood in front of one of these contemporaneous encroachments. San Ildefonso gets not over 15 per cent of its living from its land. Tuberculosis, planted in the starved bodies of the children, and trachoma, diagnosed by the Government but not treated, and the infant mortality of a starved race, is bringing San Ildefonso to an early end. Yet here, in the midst of this anguish and the helpless rage of the Indians, the dance and song still flourish, a renaissance of pottery-making has taken place, and there has arisen a remarkable new school of water-color painting by Indians, which links back to the cliff-cities and forward to a future which could be if the Government would let it be.

What the Indians Want

Readers will weary with further examples, but one more must be given. Far north from Santa Fe, under the fairy-like aspen and the gray rocks of the Cordillera, twenty miles from the railroad, lies Picuris pueblo. Picuris was once a large community. A fragment of its ruins is pictured here. Picuris now has 120 living Indians. Picuris received from Spain, and by re-confirmation from the United States under Lincoln, 17,000 acres of land. It retains the use of only about forty irrigated acres. Picuris is a place of death and dying. Its young people of vigorous age are all away, days and weeks of journey away, earning the money to keep the old men and women and the little children alive. And even now, at the moment of this writing, new non-Indian encroachments are being thrust into the remnant of Indian land.

I sat for many nights with the council of old men, at Taos, twenty-five miles over the Rockies from Picuris. Not all the pueblos are quite under the shadow

of death. Zuni pueblo is alive and creative; Santo Domingo with its thousand Indians, darkening its face to the outside white world, keeps fierce and successful guard over its land. It is the most "uncivilized" of the pueblos. But it is Taos where the conscious beauty and fullness of life can best be encountered. Taos has lost more than half its irrigated land. The Taos individual is poor, but the community life is rich and great and that elusive, potent tradition of the Indian past has lost none of its vigor.

I said: "You know what your legal rights are. Do you want the old settlers put off your land? What is your own wish, if the Bursum bill can be killed and you can have what you need?"

They answered: "We do not want to put off the old settlers. Many have been on our land two hundred years. We know exactly what we want."

"THE Pueblos know their position, their rights and their needs, but they are helpless and voiceless 'dependents' and 'wards' of a Government which at present seems disposed to protect them with a feather while it attacks them with a club. The solution is a matter of common sense and honesty merely."

"First of all we want the Government to build a dam in the cañon. They have promised this for ten years, but nothing has happened except the Mexicans have taken more and more of our water from the pueblo ditch. If we can have a storage reservoir there will be plenty of water for all and that means plenty of land for all. Then we want the new trespasses on our land to be stopped. The Mexicans keep pushing their fences nearer and nearer the pueblo."

"Then we want the Government to give us an exchange. If we give up all that land, which is valued at hundreds of thousands of dollars, which the Mexicans and Americans have taken, we want the Government to give us, so that we can take care of it forever, the cañon of the Pueblo river, and the lake in the mountains where the river starts. It is our drinking water and the lake is sacred to us, but people go there and camp and befoul the water, and even the Government men camp there just when our ceremonies are to be held, and tear up the ground and trees and soil the lake."

"And we want the Government to take under its control the land we bought two lifetimes ago, which the courts have awarded to us but which we are shut out from. And we want a flour-mill, so that we will not have to pay one-half of our grain in order to get it ground, as we must do now. We want some new seed wheat and we want our stock bred up. And we want the doctors to come and cure us of the eye-disease which is making us blind."

I said, knowing what their answer would be: "Why do you keep asking the Government to stop the trespasses? Why don't you go and pull the fences down yourselves?"

They answered: "You know about the

Indian War at Tesuque, don't you?" I know of this "Indian War." It was waged only last spring. There was a piece of land which immemorially had been owned by the Tesuque pueblo and which was a part of their United States Government grant. One Newman, an American rancher, already occupying Indian land, started to throw a fence across it. The Indians said: "Take that fence down." They waited two weeks and he was still extending the fence. They warned him again, and waited, and warned him a third time. Then quietly they went and pulled down the fence. The following day they pulled down an older fence which safeguarded a trespass established fifteen years ago. Instantly arrived the superintendent of the penitentiary, the captain of state militia, the United States marshal, the lawyers and the excitement-hunters. The newspapers rang with "Indian War." Horace

Johnson, Indian superintendent for the Northern Pueblos, was accused of having advised them to pull down the fence; he was instantly transferred to Nevada through orders from Washington. Hatred flamed against the Tesuque Indians—those Indians whose land is parched, who must depend on wages from white men for their pitiful living. "Yes, I know about Tesuque," I told the old men of Taos.

It is too late for the Indians to save themselves by ferocity. They can not vote; they have no status under law; if there is no fair play and no imagination in the American people, when confronted by facts such as are stated here, then the Indian can do one thing only: disperse, or die. Yet never did the old men at Taos express hatred. I went out from their council at midnight to hear the wild magnificent singing from darkness on the north pueblo's summit, under the stars and against the vast shadow of the Sacred Mountain. Next day I returned to their San Geronimo festival. White man's Taos was overflowing with visitors, hundreds had come in automobiles from long distances, the plaza was filled with booths, and the Americans and Mexicans were making money like a circus does. Hundreds of Indians had come too, many from far across in the Apache country; the pueblo entertained them and sent them away with gifts. The entertainment was provided wholly by the Indians of the pueblo. They charged no admission; they would have scorned to make one cent of money, for were they not hosts to Indians and white guests alike? Yet I knew that in all the pueblo there were only three families who were not acutely poor and facing a winter of semi-starvation.

The Solution of the Problem

Such is the spirit of the Pueblos. The Indian race never produced better fighters than the Pueblo Indians, but there is in them no hatred on which a fanatical and hopeless ferocity could be based in the year 1922. They know their position, their rights and their needs, but they are helpless and voiceless "dependents" and "wards" of a Government which at present seems disposed to protect them with

(Continued on page 56)



The blizzard swept the little band of refugees from their course, and they tumbled together over an embankment

The Sacred Trust

A Story for Dog Lovers

By Anne Chambers

Illustrated by Harold von Schmidt

SHEP was simply a part of a vast machine, a sheep dog—one of many with the Three Rivers outfit. They had not even dignified him with a name until one of the men needing a dog for an unimportant piece of work had called, "Here, Shep," in the general direction of the dozen or so canines idling in the ranch yard, and the eager youngster had responded.

"All right," the man conceded looking indulgently down at the ungainly pup. "You ain't much for looks but you're old Fanny's whelp—ought to be something in you. She learned you anything?"

"Oh, yes," the eager body wriggled affirmation. "A heap of things."

True, he couldn't put his precepts into words but they were clear in his mind—important things that went toward making a good sheep dog. Little old

Fanny had instilled them with fine example and punishing snap. She had cleared her name of the taint of an ancestor who had been shot for killing the sheep he was supposed to guard; and with fierce passion and high regard for her noble calling she had tried to pass on to her progeny the essentials of the business. "And, remember—no alibis," had been her parting injunction as she prepared to send them forth to fend for themselves. "The sheep that are placed in your care are a sacred trust. Defend them with the last drop of your blood, if need be. Better that your bones should bleach on the range than that your dishonored, unscratched carcass should come slinking

home with apologies for the loss of even one of your charges." That was the idea, in so many barks.

It may have been of these things that Fanny's pup was thinking as he stood looking up into the man's face, the importance of his first commission as a regular sheep dog upon him.

"All right, Shep," the man accepted him—and Shep it was from that time forth, lacking in individuality, to be sure, but his to stamp with the mark of his own character.

Shep made his mistakes at first; but they were the mistakes of inexperience—never indifference. He worried the sheep—was too impatient with them, punished the laggards with undue violence. But correction always found him looking earnestly into his master's face striving to understand what was expected of him and to overcome his faults.

Plundering the Pueblo Indians

(Continued from page 25)

a feather while it attacks them with a club. The Taos Indians stated as clearly as can be stated the solution of the pueblo problem, which is a matter of common sense and honesty merely. The first element in this problem is water for irrigation. There is plenty of water, and every pueblo from Isleta in the south to Taos in the north, could be supplied abundantly through inexpensive storage, pumping or drainage systems which at the same time would put into service thousands of acres of land outside the Indian grants. While the Government has been spending millions on irrigation systems elsewhere, these Indians and their non-Indian neighbors have been left to struggle with the elementary system of ditches, dependent on the stream-flow of the moment, which the Indians had devised before the Spaniards came.

With the increase of arable land the decent adjustment of the disputes over land will become a simple matter; without the increase of arable land it is an impossibility. Congress has "plenary" powers to settle this land question. It can empower a disinterested commission to investigate, adjust, award and compensate. Such a body, with quasi-judicial powers but with a flexible discretion which the permanent courts can not exercise, and with the expanded farming area to

use as a basis for adjustments, could clear every non-Indian claim that has a shadow of legitimacy while at the same time giving back to the Pueblos all they need for present life and future growth of population. Will there be a future growth of Pueblo population? There will be, if the Pueblos can get their economic and moral basis of land restored and if the gross insufficiency of the Government's medical and health service can be remedied. This latter subject is involved with the organization of the Bureau of Indian Affairs, which is not the topic of the present article.

A nation-wide organization has enlisted itself for the struggle over Indian welfare. The General Federation of Women's Clubs has two million members. It is fundamentally committed and will see this Indian question through to the end. Its Indian Welfare chairman is Mrs. Stella M. Atwood of Riverside, California, whose knowledge of the Indian field is immense and whose sagacity equals her emotional driving power. But the Women's Federation is not enough by itself, and especially in the emergency created by the Bursum bill every individual and every organization loyal to this country's fair name should become active.

Can the Pueblo Indian communities

survive even if they receive justice? The answer lies in history. They already have survived four centuries of contact with the white man's world. Even those Pueblos whose condition is most piteous—Tesuque and San Ildefonso, starving, and riddled with preventable and curable disease—have yet not lost their own souls. Still through the veins of their members runs that fierce joy expressed in a dance and song which have lost none of their splendor. Still, and increasingly, they produce objects of beauty—vases and rings and graceful adobe dwellings. Still the members of the tribe are faithful to the tribe, and the old industry continues in the face of discouragements which would disintegrate most white communities. This is true even of these Pueblos which have been the worst wronged. As for Zuni and Taos, they are living mightily forward; they are developing, while holding fast to that which is good in their old life. They have as much to teach to the white man as they have to learn from him. They belong to the future as much as to the past. They are a national asset; and the Bursum bill, which is a blow at them, is a blow at an innocent, helpless and priceless part of America's cultural life.

This is the fourth of a series of articles dealing with the Indian problem. The fifth will appear in an early issue.—The Editors.

When Downieville Hanged a Woman

(Continued from page 20)

belonging to the proprietress. Assailed by her with violent and opprobrious epithets, he seized and forced her into a chair.

Sometime before, Martha had married John Barclay, a miner of Chinese Camp, and he had taken up his residence in her house, which had never enjoyed a savory reputation. As Smith forced the screaming Martha into the chair, Barclay came running from an inner room and shot him dead. Barclay was immediately arrested and jailed.

Smith, who was a quiet and respectable man when sober, was widely known and had many friends. These formed the nucleus of the crowd which gathered quickly round the jail—a crowd which soon became a large and excited mob. They were addressed by State Senator-elect James W. Coffroth, who announced himself as a near and dear friend of the dead man and said that while as a rule he stood for the enforcement of law, he believed this was an occasion calling for immediate retribution.

Nominations of a judge, marshal and a jury of twelve having been made and approved by acclamation, the mob proceeded to rush the jail. Its solitary guard was overpowered and carried off and preparations were made to blow it open with gunpowder. But after the powder-keg had been placed against the iron doors, it was found that they were less formidable than they looked, and they yielded to an onslaught of sledges, axes and crowbars.

As the doors fell, Barclay sprang out and attempted to escape, but was overborne by numbers. Amid the cries, oaths and imprecations of the frenzied mob, he was borne to a high flume where it crossed the road to Gold Springs. There a ring was formed and the form of a trial gone through with.

The very location of the place of trial showed that his doom was predetermined, as the flume formed the best natural gallows to be found in that vicinity. But the forms were observed by the appointment of Coffroth as prosecutor and of his legislative colleague, Assemblyman-elect John Oxley, as counsel for the defendant. The jury was then sworn and the examination of witnesses begun.

It became evident at once that Barclay was to have no show. Any witness supposed to be in his favor was not allowed to reach the stand, and even the voice of his counsel was drowned by clamor. On the other hand, Coffroth was permitted to talk as often and as much as he pleased.

Coffroth, seeing the mob was with him heart and soul, made his final address a brief one. He invoked the law of an eye for an eye, a tooth for a tooth, and demanded in this case a life for a life. The savage mob applauded, whereupon Coffroth showed grace enough to remind them of the feelings of the prisoner.

Barclay, who had been sitting on the

ground, his face in his hands, looked up and asked Coffroth to request the jury to give him enough time to arrange his private affairs. Oxley attempted to say something, but his voice was drowned in the shouts of the mob. Their own judge commanded them to listen, but they paid no attention and Oxley was howled down.

Night had fallen. In the darkness the sheriff, J. M. Stewart, made his way into the center of the ring, laid his hand on the prisoner's shoulder and demanded custody. But a bystander seized him by the throat, while others grasped his body and threw him back. At the same time, the ring-leaders took Barclay and rushed him to a position under the flume from which a rope dangled, and placed the noose around his neck.

The sheriff fought his captors, demanding to be released and supported in the discharge of his duties. After a few minutes of struggle he freed himself and attempted to cut the rope with a knife. But one of the mob struck the sheriff on the side of the head with the butt of a pistol, while others rushed him off, taking from him his weapons, bruising his face and tearing his clothes.

While the representative of the law was thus being beaten off, the torches and bonfires were lighting up a dreadful scene. The executioners, standing on the high flume above Barclay, had drawn up the rope. As the struggling man ascended, a howl burst from the mob. Barclay's

"No Trespassing"

The Indian Bureau Proposes to Eject All Investigators From the Reservations it Rules

By John Collier

Author of: *Our Indian Policy, etc.*

ABOUT a year ago I called on the most noted American anthropologist for help in the Indian problem. This man had tried to inject scientific intelligence into Indian Commissioners and Secretaries of the Interior thirty or forty years ago, and he was weary.

"How long will it be," he said, "before you learn that the Indian Office exists to destroy the Indians?"

A second question has been added by events at Washington in 1923. Has the Indian Office decided to destroy *itself*?

To understand the situation which was brought to a head by the Bursum bill explosion one should know something of the great arbitrary powers and the psychology of the Bureau of Indian Affairs. Its attitude reminds of the anecdote told by Theodore Roosevelt concerning the chief of an important War Department Bureau at the outbreak of hostilities between Spain and America in 1898. "Here we had everything running smoothly," wailed this bureau chief, "when along comes this damned war and upsets it all!"

Just so the Indian Bureau had "everything running smoothly"—except for the Indians—until the attempt to legalize the encroachment of squatters on the lands of the Pueblos focused national attention on the obscure doings of the obscure bureaucracy. Then something happened. The chiefs of the bureaucratic tribe suddenly became exceedingly busy. Correcting their mistakes in handling the Indians? Not at all! They attacked their critics, threatened them with libel suits, civil and criminal, with jail sentences and with *future exclusion from all Indian reservations*.

For two generations the Bureau of Indian Affairs has been the undisputed master of the American Indian. True, President Grant appointed a Board of Indian Commissioners when the robbery of the Indians reached unheard-of proportions and this Board has annually pointed out many shortcomings in the administration of Indian affairs, but its voice

reached neither the ear of the public nor the ear of Congress. The average man, believing that the appropriation of millions annually was really putting the Indian on his feet, paid no attention. The reservations were remote and visited by but few persons. Toward the Indian the agent of the Bureau had despotic power, but Washington gave him no freedom of action. If he wanted to exploit the Indians, he could do so by stealth and cunning, but if he wanted really to help them, he found his hands tied by endless miles of red tape. If a stranger visited the reservations and objected to the Bureau methods, he was forcibly ejected or thrown into jail, for an obsolete statute gives any agent or sub-agent the authority to declare any one an undesirable person

and the power to remove this undesirable person from the reservation, with military aid if necessary.

This obsolete statute the Commissioner of Indian Affairs, Charles H. Burke, threatened to invoke against all investigators.

Are the Indians and the land on which they live the private property of the Washington clique that is running the Bureau of Indian Affairs? Is it *lès majesté* to disagree with the Bureau officials, to criticize their policies and analyze their actions? It does not seem possible in this day and age, yet the attitude of the Bureau heads during the hearings before the Senate and House Committees indicated that they would unhesitatingly answer these questions with an emphatic yes.

These hearings, lasting for several bitter weeks, aroused deep interest in Washington, New York and other eastern cities. Of them Robert Sterling Yard, executive secretary of the National Parks Association, wrote: "The Pueblo hearings were sensational in the extreme; the newspapers did not even hint the truth."

They blasted wide open the entire Indian question, tore it open so thoroughly that the problem as a whole must be taken up by the next Congress.

And the attitude of the officials during the hearings justified the question: Is the Indian Bureau one whom the gods would destroy? Has it gone mad and is it committing suicide?

The hearings contain about a million words. Printed copies may be had from the Senate Public Lands Committee and the House Indian Affairs Committee. Nothing but episodes can be given in the restricted space of these pages.

Whom the Gods Would Destroy

Commissioner Charles H. Burke is speaking to the House Indian Committee. "The statement which I have made has been submitted to the Secretary of the Interior, and he has authorized me to say that it has his approval and that he endorses it."

What was Mr. Burke's statement?



PHOTO BY F. A. SCHUIZ

When these five Pueblo governors came to Washington to protest against the Bursum bill, they brought with them the silver-headed canes given to their predecessors by Abraham Lincoln when he renewed the Government's pledge to protect the Pueblo lands

I was already late to work, but what was a job in a mine office compared to the chance of finding out how to be happy though married. I had intended to stop only a few minutes to ask Minnie's opinion about a matter that had always stuck in my mind, but a conversation with a woman, white, black, red, pink, or yellow, is likely to lead to any conclusion—or none whatever.

My question had to do with a statement I had seen in the first annual report of the Bureau of Ethnology. In that volume a learned article on the use of the sign language among the North American Indians says that when the first white travelers in the West had to use the sign language to talk with the different Indian tribes they got along easily with the men but never could talk to the squaws without getting most horribly embarrassed because the squaws invariably interpreted all signs as having something to do with love.

Imagine those first trappers and scouts, hairy, bearded men with bowie knives in their boots; pistols, knives and tomahawks in their belts; more knives and pistols under their arms and long rifles over their shoulders. Imagine those hardened, desperate frontiersmen, ready to shoot, stab or strike at the drop of a hat, standing in an agony of embarrassment before a timid little squaw, their

faces covered with blushes under the fur, all because some innocent manual question of theirs had been—er—misinterpreted by the lady.

It must have been terrible. I wonder that the West ever was conquered in the face of such incredible hardships.

HAPPENING to remember this scandalous aspersion on the native American ladies when I saw Minnie as I was going out the back door on my way to the mine, I asked her for a little first-hand information about the matter.

Minnie said she thought it was a lie. I asked her if it were not true that the Indian women were always thinking about love.

"I don't know. Maybe-so, maybe-no. I guess so. But I think Indian women no make white men embarrassed."

Somehow this coincided with my own opinion. I was about to tell her so when, without rhyme, reason, or any connection with previous remarks—the "Eternal Feminine" again?—she startled me with the statement about her first seven or eight husbands. And after getting what she considered the right amount of encouragement she was ready to give the harrowing details.

"Long time ago," she said, "when I go to Indian school I think lots about husbands. I think pretty nice to have a

good husband to support, have a wickiup close to a water hole, have fifteen, twenty children. Pretty nice all right, but," she sighed, "I no have any luck."

"Soon as I go home from school the man that happen to be my mother's husband then he say grub awful high. He say he no can feed me. I don't know what for he have to worry about that. My mother get all the grub. But he talk, talk, talk, make so much trouble all time, I think I get married quick as anybody ask me."

"One day along come a young man from Rattlesnake valley. He look at me lots. He talk to my mother's husband. My mother's husband say, 'Take her along.' He ask me. I say, 'Sure.' He say, 'Come on.' I pack up everything I got, put it on my back, follow him to Rattlesnake valley. That night I cook my husband a fine grasshopper stew and he say not so good as his mother make."

"I feel pretty bad. Next day I work awful hard, do the best I can to please my husband. But he all time say his mother do better. He bring his mother to see me and she find fault more still. She say school no good for Indian girls. She say school make Indian girls heap big fools. That old woman don't know nothing but all time she say I do everything wrong. I no do everything wrong. I get good grub for my husband. I cook it fine. I wash

(Continued on page 105)



She looked me over appraisingly. "I think you make a fine fat husband. All right. I tell you"

"I hope the committee . . . will make a broad inquiry. If the charges made and circulated by the propaganda are true—namely, that the officials of the Government have countenanced or contemplated any action seeking to deprive the Pueblo Indians of any property which legally or equitably belongs to them—then the present Commissioner of Indian Affairs ought to be removed from his position and in the future denied the right to hold any office of trust." Mr. Burke added that similarly, if the charges were true, Col. Twitchell, who drew the Bursum bill for the Indian Office, Senator Bursum who fathered it, and Secretary Fall should respectively be removed and disbarred, expelled from the Senate and impeached. He then proceeded to quote from SUNSET.

"The Pueblos are fighting desperately against a quick destruction. Their opponents are certain landgrabbing interests and, for the time being, the executive branch of the Government of the United States."

The Senate hearings had been completed before Mr. Burke and Mr. Fall made this formal challenge. The charge had already been proved completely. But charges far broader had been made and were proved before the House Committee. And charges yet more fundamental will be made, and proved whenever a competent and authorized Congressional Committee is ready to hear them. Meantime, the writer of this article voiced very carefully, at the House hearings, the following:

"This Committee can not try the critics of the Indian Office for libel, criminal or civil. But it can try them for inaccuracy, and we are here for that. The Courts can try for libel; and I cordially invite a criminal or civil suit for libel, on the part of those who think themselves injured." The writer is still waiting, not very hopefully.

The Gods Begin to Destroy

The Senate Committee is beginning its hearings. Three Senators are present. One is Lenroot of Wisconsin, chairman of the Sub-Committee on Pueblo Land bills. He is quiet, impersonal, cool, with a low voice which fills the room. One is Bursum of New Mexico, appearing sullenly restless and angry. The third is Jones of New Mexico, genial toward everybody and laboriously intelligent.

At one end of the room, immobile as stone figures and nearly as silent, are seventeen blanketed Indians, the delegates from the Pueblos. Back of the Senators, at the other end, is the Bureaucracy—Commissioner Burke and Assistant Commissioner Merritt, along with sundry Bureau chiefs and the enormously serious but excited Colonel Ralph E. Twitchell, the Government Indian Attorney who drafted the Bursum bill.

It is January 15th. The country has known for two months that the Bursum bill is an evil thing. Those who have been fighting the Bursum bill have spared Commissioner Burke and his subordinates



Pablo Abeita of Isleta pueblo, who was chief spokesman of the Pueblo Indian delegation before Congress

of the Indian Office. They have assumed that Secretary Fall required the concoction of the Bursum bill and that the Indian Office was helpless under his tyranny. But the Senate hearings have begun, and Commissioner Burke steps forward and gathers all the spears to his own breast.

The Indians and their friends sit amazed. Yes, the Indian Office is claiming responsibility for the Bursum bill. Yes, the Indian Office (when Colonel Twitchell begins to speak) is denouncing the critics of the bill and is urging the Senate, which peremptorily recalled the bill in November, to enact it in January!

Following Mr. Burke, Colonel Twitchell held forth for three sessions of the Committee. These hearings before the Senate and House went on daily for almost six weeks, but their dramatic climax was reached the fourth day of the Senate hearing. On that day something issued from Senator Lenroot's lips that sounded like the click of a trap that has just sprung. He leaned forward and began a swift cross-examination of Twitchell. Under that cross examination Twitchell collapsed. The Indian Office collapsed. Section by section the attack of the Indians and their friends against the Bursum bill was acknowledged to have been accurate and conservative. The printed record does not contain the words which Senator Lenroot used toward the end of this cross examination: "Colonel Twitchell, I do not see how any lawyer could have drawn this section. And how the Government . . ." Senator Lenroot did not finish the sentence.

What was admitted by the Indian Office under Senator Lenroot's cross-examination, or otherwise so proved that no detailed denial was thereafter attempted at the hearings?

First. It was admitted that the Bur-

sum bill was worked up, drafted and sponsored throughout by the Indian Office itself, the guardian of the Indians.

Second. It was proved in the House hearings that the Bursum bill would have torn to shreds the religious and internal and self-governing life of the Pueblos.

Third. It was shown that it had been falsely stated to the Senate that all parties of interest wanted this bill. The Indians, the first party of interest, had never been consulted and when they learned of the bill were unanimously, desperately opposed to it.

Fourth. It was proved that the bill established a statute of limitation, whereby a non-Indian claiming Indian land might keep it even though he held no shadow of title, if he had been there twenty-two years. And Senator Lenroot brought out, what had not been charged in SUNSET, that the bill contained a deft wording which would give the Pueblo land to the claimant even though he had not occupied it or made any use of it for the last ten years. This limitation feature of the bill constituted a cynical repudiation of this Government's previous written guarantees to the Pueblos.

Fifth. It was proved that the bill promised a compensation to the Indians which would have been fictitious. The lieu lands promised did not exist and the cash promised could not be awarded until the search for lieu lands hundreds of miles away from the given pueblo had been exhausted. Even then the cash could not be awarded because the bill carried no appropriation clause.

Sixth. It was proved that the charge made in SUNSET, to the effect that the bill revamped a lot of dead and null Spanish and Mexican grants held by non-residents, and that these grants conflicted with over 50,000 acres of the best Pueblo land was true.

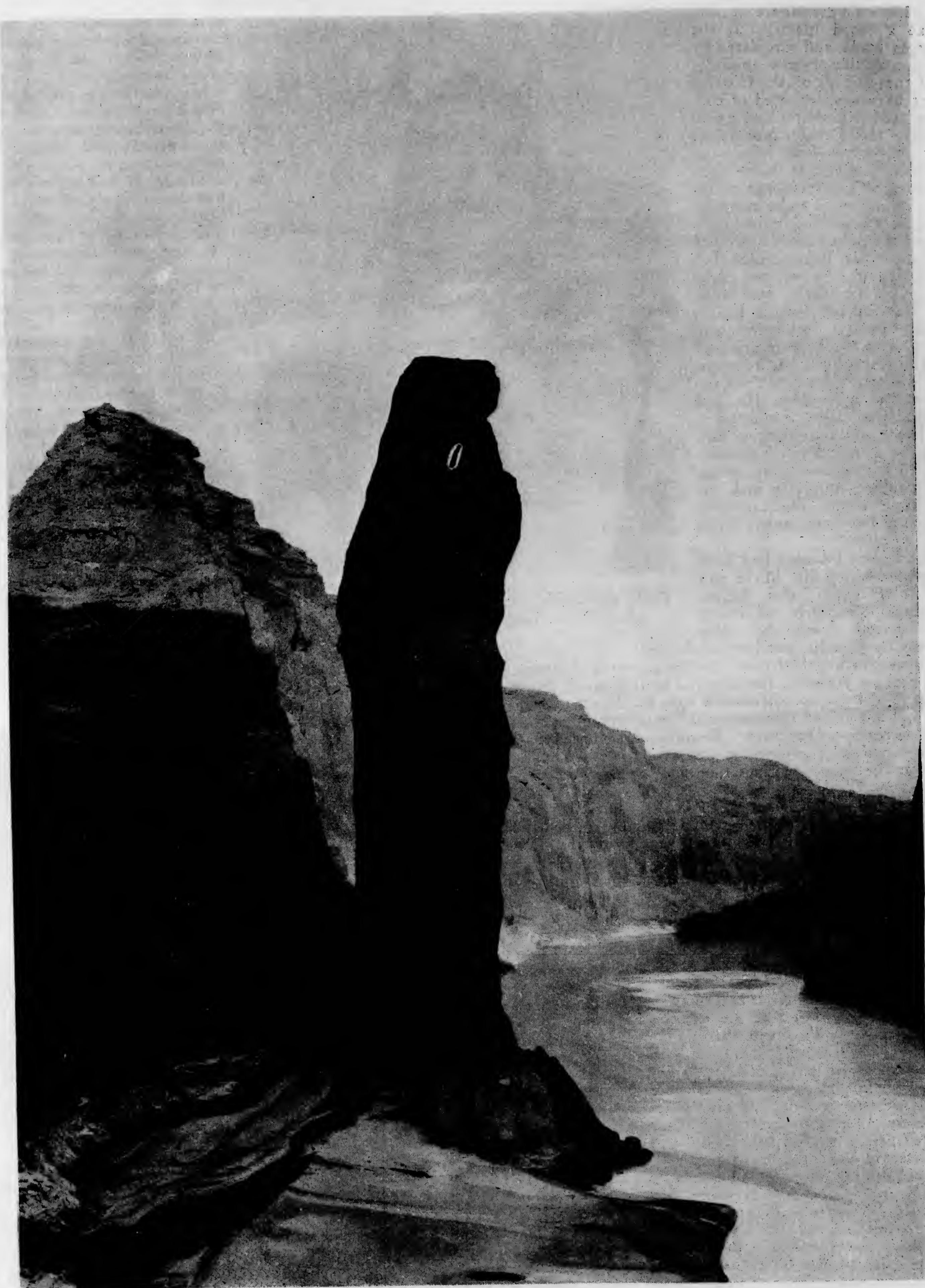
And a great deal more about this pet measure of the Indian Office was admitted, and proved, and driven home, and driven home again, through the six weeks the hearings went on. It was proved *ad nauseam*, using the words of Mr. Burke's challenge, "that the officials have countenanced planned and executed action seeking to deprive the Pueblo Indians of property which legally and equitably belonged to them."

To Point the Moral

While this great disturbance was going on in Washington about the Bursum bill and the Indian Office and the Pueblos, the Bureaucracy was engaged in a bigger undertaking and one fully as desperate.

SUNSET told of the favorite method of destroying the Indians' property—namely, fee-simple allotment to the Indians of parcels of land. But a complementary device occurred to some one in the Indian Office. It aroused enthusiasm. Secretary Fall told the House Indian Committee that this new plan "would go far toward solving the Indian question." With public attention focused on the Pueblos' struggle

(Continued on page 58)



The Sentinel of Wa-weap

This slender pillar of red sandstone two hundred feet high is one of the most distinctive and striking landmarks to be found anywhere on the Colorado river

Champion
Double-Ribbed Core
for your protection

A Champion
In Every Cylinder
Means Better Car Performance

You can't see the real difference in Champion Spark Plugs themselves. You can't see the betterment that comes with the new Champion Double-Ribbed core.

the mixture in the cylinder so that it burns rapidly enough. Much unburned gas is left. This wastes fuel. It lessens power—impairs engine operation.

"No Trespassing"

58

(Continued from page 15)

for life, it seemed a favorable time to rush the Indian Omnibus bill through Congress, and the new discovery was incorporated in Section one of the Omnibus bill. Commissioner Burke said of this section. "I take some personal pride in having had something to say about Section one."

Let me reassure the reader. The Omnibus bill was killed at the eleventh hour. Senator LaFollette took the leadership in killing it, helped by Senator Ladd, Senator King, Senator Johnson of California and others. It had been reported without public hearing by the House Indian Committee, passed by the House and reported by the Senate Indian Committee after one brief public hearing. Two weeks before the session ended the facts became known and a hurried campaign slew the bill when it was about to become statute law. It will be tried again when the next Congress meets.

Now, this is what Section one of the Omnibus bill proposed to do. Section one empowered the Secretary of the Interior to appoint three appraisers to appraise all the property of whatever sort of each Indian tribe living on a reservation, except the Oklahoma tribes and the Pueblos. The appraisers would make a report. The report would not be binding on the Secretary, but after

receiving it the Secretary, using his own judgment, would be authorized to divide the total wealth of each tribe by the total number of Indians.

Thereafter the Secretary would be authorized, in person or through his agent, to go to any given Indian and to dangle before him the cash value of his per capita share in the tribal estate. If the Indian took the cash (and the Indian, like a white man, would generally take it), in that act he, the Indian, surrendered all partnership in the tribal estate. Oil might be discovered next year, multiplying the value of the tribal estate, but the "allotted" Indian could claim nothing. Appraisers might conveniently overlook the oil, or the Secretary of the Interior might conveniently overlook the report of the appraisers. There is no recourse for the Indian.

In brief, this section proposed that Uncle Sam, trustee and guardian for the Indians, should proceed to buy out the ward and heir on terms fixed by Uncle Sam and in a manner perfectly calculated in advance to dissipate the Indians' wealth in the shortest time and turn them into landless drifters in the shortest time. And this is how Mr. Burke justified this amazing Section which came within a

hair's breadth of becoming law: "Much of the confusion and turmoil among the Indians today comes from the class of Indians that have been declared competent, that have an education, that have dissipated everything they have received from their allotment, and they usually sell it very promptly after they receive a patent in fee." These Indians must be got rid of. This lamentable result of fee-simple allotment is now to be expanded on a huge scale through the device of Section one which has no precedent in the relation of any trustee or guardian to any ward.

After the Indian took his arbitrary stipend of cash, his name would be stricken from the tribal rolls. He would cease to exist as an Indian. He could be driven by force out of the reservation, away from his family, his people, his spiritual heritage. Thus, by the measure in which Commissioner Burke takes personal pride, the Indian could be "civilized."

Destroying the Bodies of the Indians

Sophists may argue that poverty is good for the body and soul. But sick Indians are sick Indians and dead Indians are dead Indians. It is true that General Sherman was quoted as saying that the only good Indians are dead Indians. If

over

such be the slogan of the Indian Office it at least is simple and definite.

For people at large the medical service question will be the acid test of the Indian Office. The following charges were made at the hearings in Congress:

1. There is excessive sickness—preventable and curable—among the Indians, and a sensational death-rate.

2. The Indian Office medical service is scandalously meager; the essentials of preventive health work are systematically neglected; and in the light of modern public health experience the service is archaic and mal-organized.

3. Because of these conditions the Indian reservations are breeding-grounds for disease, which the Indians give back at compound interest to their white neighbors in most of the states west of the Mississippi.

4. For unknown reasons the Indian Office stands as a "dog in the manger," denies the facts which its own records prove and categorically or practically shuts away from the Indians the medical and health aid which other branches of the Federal Government and the state governments are equipped to render. The Indian Office monopoly policy is seen in its most hideous aspect when seen in relation to sick and dying and dead Indians.

What did the hearings show about Indian health? First there were general testimonials like the following from Dr. G. S. Luckett, Director of Public Health for the State of New Mexico: "The medical service furnished the Indians is pitifully inadequate. . . . In some cases it is farcical. . . . The revelations made by Dr. Frederick Hoffman, Chief Statistician of the Prudential Life Insurance Company, are amazing and pathetic." (The whole of Dr. Hoffman's report, detailed and dreadful as it was, was placed in the record at the House Hearings.) "The Agent of the reservation is in supreme command. His authority supersedes that of the physician. . . . Dr. Hoffman showed that the tuberculosis death rate was *ten times* as great among the Navajos as in the registration area of the United States. . . . The Government's treatment of the Indian has been calculated to destroy him rather than protect him. . . . Turkish massacres have had their counterpart on our own soil. . . . The state governments are usually given to understand clearly that their intervention in Indian (health) affairs is not wanted."

The following from Dr. C. A. Harper, State Health Officer of Wisconsin, echoes Doctor Luckett's statement. The House Committee refused to allow Dr. Harper's statement to be put in the record: "The Department at Washington, as far as these factors (health and medical treatment) are concerned, is wholly indifferent, worthless and, I might say, inhuman. It appears as though they have adopted the policy of extermination, through the agencies of disease, of the Indian population of this country."

Narrowing the statement to the Pueblos, detail after detail was given at the

hearings to substantiate the above charges made by disinterested public health officers. From Indian Office records it was shown that 19 per cent of the Northern Pueblo Indians have trachoma, this being a minimum figure based on examinations professedly incomplete. It was shown that this disease, which is highly infectious and which leads to blindness, was being allowed to run its course—and that means infecting the whole Pueblo population. "There is increasing tuberculosis about which substantially nothing is done. Infant mortality is excessive." (Due mainly to the failure to provide education in dietetics and infant hygiene.) "There is no prenatal work. There is no dental or eye-refraction service. For venereal disease there is neither diagnosis nor treatment." (An authoritative medical campaign now being privately financed at Taos pueblo has revealed that at least twelve per cent of the Taos Indians have syphilis, a disease not more than two or three years old in this pueblo.) "Against the deadly enteric diseases there is no preventive work done. The casual observer is impressed with the apparent malnutrition of the children, which is shockingly apparent at San Ildefonso and Tesuque." And so on.

It was proved at the hearings, from the reports of Indian Office agents and from exhaustive studies made by competent social-research specialists, that the Pueblos are living just above the starvation line, which means chronic undernourishment and places the Indians at the mercy of diseases like tuberculosis, which follow undernourishment. It was proved that two Pueblos were completely destitute; that the Indian Office was rationing them, but in so niggardly and partial a manner that charitable givers from the east, kind-hearted merchants of Santa Fe and the scientific workers of the Museum of New Mexico were helping with money and food. There was no effort to dispute the facts in detail, only the old familiar blanket denials.

"Let Us Alone Till We Finish the Job"

Two incidents must be given with great condensation.

Mrs. H. A. Atwood, chairman of the Indian Welfare department of the General Federation of Women's Clubs requests to be heard in order to make an unsolicited statement about the sources and uses of the money required for her work on behalf of the Indians, and to place certain facts about Pueblo starvation and disease in the records. This devoted woman, far past middle years, inexperienced in police court proceedings, scrupulously honest in her speech as in her thought, kindly toward Mr. Burke and his subordinates, is told to sit at the table. To right and left and in front are the Committee members and behind them are the Indian Office officials who make a humming sound as they buzz suggestions into the ears of the members.

She talks a few minutes. Then the

members begin to spread their trap of leading and hypothetical questions. Miss Robertson of Oklahoma, a member of Congress, contributes to the atmosphere by innuendoes such as: "One must have clean hands, Mrs. Atwood, to help the Indians!" In the sultry air the rumbling of the "criminal libel" charge is heard. Mrs. Atwood seeks to refresh her memory on a certain point. She is denied the privilege. The Committee scents blood. Now the quiet woman, representative of two million women who are to be "taught a lesson," is a center of six cross-examinations which cut across one another. She has come to give facts about the Indian situation; she finds herself at the bar like a criminal, but unlike a criminal she may not confer with counsel. The leading questions have tangled her in an apparent self-contradiction. It has to do with an insignificant and neutral matter, but lo! it is hurled back at her as a fearsome inaccuracy. The Committee has tasted blood. Thereafter the examination, drawn out for *three and one half hours*, appears rather more an inquisition than a Committee hearing. At one point Congressman Sears of Florida shouts: "Mr. Chairman, is this a criminal proceeding?"

What are the women of America and of Congressman Snyder's constituency and some other constituencies, going to do about this incident? For Mrs. Atwood was more than the representative of the federated women's clubs. At this hearing Mrs. Atwood was simply Woman, trying to extend the compassion of motherhood to the most persecuted and wronged element in the United States; she was Woman invading a field of public work where, until now, Man has rollicked and fattened supreme. And they browbeat, taunted and insulted her.

"Let us alone till we finish the job." Thus speaks the Indian Office. This Bureaucracy of several thousand white men, with its brainless and ruthless officialdom, goes on. It tramples our guarantees, nullifies our treaties and obligations, turns our guardianship into systematized exploitation. It dictates and vetoes legislation. It is legislature, executive and judge for our helpless race of wards. It is the wastrel which wastes the Indians' domain.

Shall it be allowed to go on?

There is being formed an American Indian Defense Society. This Society will be nation-wide. The announced intention of the Indian Office to debar investigators, reporters and "propagandists" from the Indian reservations is not going to keep this Society out of the reservations. It is not going to keep the Indian Welfare Committee of the General Federation of Women's Clubs out of the reservations. Any citizen who can not best serve in this cause through the Women's Clubs, can find a way to serve by joining the American Indian Defense Society.

Other articles on the Indian problem by Emerson Hough, John Collier and others will appear in future issues.—The Editors.

The Silver Anniversary Number of Sunset

will be issued next month. It will review the growth and progress of the West in a number of articles by well-known writers, in addition to the regular features. See page 89 of this issue.

Indians Inc.

By JOHN COLLIER

FOR several years prior to March 4, last, Indian affairs were a battleground. The Indian Bureau, a willing victim of the system which had created it, resisted all fundamental change. Indians, and their friends in and out of Congress, demanded fundamental change. The Indian Bureau was strong enough to block legislation. Within the framework of existing law, the bureau was a czar. The bureau in its turn was a slave to impracticable but implacable laws of Congress. It is even now a slave. Wrongs and miseries human, dramatic and shocking became known to the public. The Senate Indian investigation, whose work is not yet finished, established many of the facts outside of controversy. Bureau chiefs who were fighting against any and all change, became personifications of the old system and appeared to be responsible for its accumulated evils. These men are gone.

What a change from a year ago! It is not yet a change in the conditions of Indian life, nor even in the rank-and-file personnel or the purely administrative system of the Indian Bureau. It is a change in the administration's philosophy—in its attitude toward the system of Indian affairs as a whole, and toward the body of law which has created that system and which continues to hold the Indian Bureau, and the Indians alike, in a grip of iron extended from an almost forgotten past.

Indian affairs are no longer, or for the present have ceased to be, a battleground. Instead, they are a field where demolition, reconstruction and new construction are possible and are necessary. The new administration knows this fact and proclaims it. Fundamental change is welcomed, is actively sought, by the administration itself—structural change, made possible and permanent by new statutes and carried into effect through a carefully reorganized Indian Service. And short of this result, pursued with wisdom but not rashness, Secretary Wilbur and Commissioners Rhoads and Scattergood will consider that they have failed. None can yet promise that they will succeed.

The legislative situation is thus far favorable, not only in the Senate but in the House. Outside groups concerned with Indian welfare are working in concert. Public opinion looks for radical reforms, even demands them. Such a convergence of opportunity may never be possible again. It is the Indians' first chance and it may be their last.

This article deals with one part of the Indian situation and one body of laws—the allotment system and allotment laws. The allotment acts are the backbone of Indian law. Allotment has destroyed much Indian life, and has dominated all of it, save in limited areas of the Southwest and in New York State, during thirty to forty

years gone by. Indian poverty is chiefly poverty of allotted Indians. Indian idleness is idleness of allotted Indians. Indian disinheritance, moving ahead faster each year, is almost exclusively a disinheritance of allotted Indians. And the government's Indian bureaucracy spends millions a year in the supervision, admittedly without hopeful issue, of allotment matters.

And the laws have compelled the situation to be what it is. There are huge material consequences which these laws have produced, with which, under existing law, the government and the Indians alike are forbidden to cope. The allotted Indian population is more than two-thirds of the Indian race. The allotted area is much more than one-half of the total Indian country. The surface value of the allotted area is probably three-fourths of the surface value of all Indian lands. Here, evidently, is a problem essentially impersonal and nevertheless acute, and central to the reform of Indian affairs.

The community estate of the Indian group is broken up into individual holdings. Each man, woman and child receives his bit of land. All tribal authority over the individualized land is abolished. Usually, only a part of the tribal estate is allotted. Allotment is part of the operation of breaking up a reservation. The surplus lands, so-called, are bought from the tribe by the government, or sold by the government to whites, usually at a very low price fixed by law. A dollar and a quarter an acre has been the customary price. Immense confiscations of Indian land (they have virtually been confiscations, and the Indians have so regarded them) have thus been carried out.

DURING the last few decades, it has become the rule to withhold from allotment such properties as power sites, minerals and oil, and timber. These are held as tribal estates under the government's trusteeship.

The Navajos and the Pueblos, most of the Apaches, and the Papagos, have been spared from allotment. Their holdings, with the residual tribal estates above mentioned, total about 34,000,000 acres. The allotted area has totalled about 39,000,000 acres. The allotted acreage no longer in government trust and irrevocably lost to the Indians, is not known but it totals millions.

For twenty-five years, sometimes more, sometimes less, the Interior Department holds the allottee's land in trust. The land is tax exempt; it cannot be sold or mortgaged; it may be leased with the Interior Department's consent, or by the department. Federal liens may be placed on it, and have been placed in the amount of more than \$25,000,000 for irrigation and other costs. These liens violate the guarantees of the allotment acts and are

When an Indian reservation is broken up, the land is parcelled out to individuals by allotment. And when the allottees die, it is sold—not transferred to the heirs—a practice which nearly always delivers it to white owners. The forecast has been made that 25 years more of the allotment system will see the Indians dispossessed of their stake in the continent once theirs. This, so far as we know, is the first serious appraisal of the situation and of a way out.

presumptively unconstitutional, but they are enforced and are collected by the government.

When the trust period ends, a fee-patent is passed to the Indian allottee. His land then becomes taxable, may be sold or privately encumbered, and in all particulars is discharged from trust.

When the allottee dies, the trust allotment is sold. The government sells it. The sale is practically mandatory under the allotment law; is in addition an administrative necessity; and as will be explained below, the deceased allottee's heirs hardly ever can inherit the land or purchase it. Hence, all Indian allotted land is destined for white possession by the second or, at the utmost, the third generation.

Wholesale allotment dates from the General Allotment Act of 1887 and the Oklahoma Allotment Acts of the eighteen-nineties.

The purpose, frankly stated, of cheaply diminishing the Indian land-holdings, was one reason for the allotment policy. But there were two dogmas, sincere even if blind, forming or sanctioning the allotment policy. These dogmas have produced effects through the whole of Indian life and have largely formed Indian law and Indian administration. Their applications have gone beyond allotment. Not until they are understood, can the present state of Indian affairs be made intelligible.

First dogma: Indian tribal or community life was evil. It was nothing but a resistance to civilization. It was starvation and poison to the individual Indian, and in no case was it nurture or motive or discipline. Its destruction was an end in itself.

AN identical dogma was once applied in Polynesia and to the Maoris of New Zealand. And the recent words of General Smuts, referring to Africa, precisely describe the American dogma toward Indians. "The African [the Indian] was good as a potential European [American], but his social and political culture was bad, barbarous, only deserving to be stamped out, root and branch."

Commissioner Robert G. Valentine, of the Indian Bureau, stated in 1910:

The essential feature of the government's great educational program for the Indians is the abolition of the old tribal relations and the treatment of every Indian as an individual. The basis of this individualization is the breaking up of tribal lands into allotments to the individuals of the tribe. This step is fundamental to the present Indian policy of the government. Until their lands are allotted, the government is merely marking

time in dealing with any group of Indians.

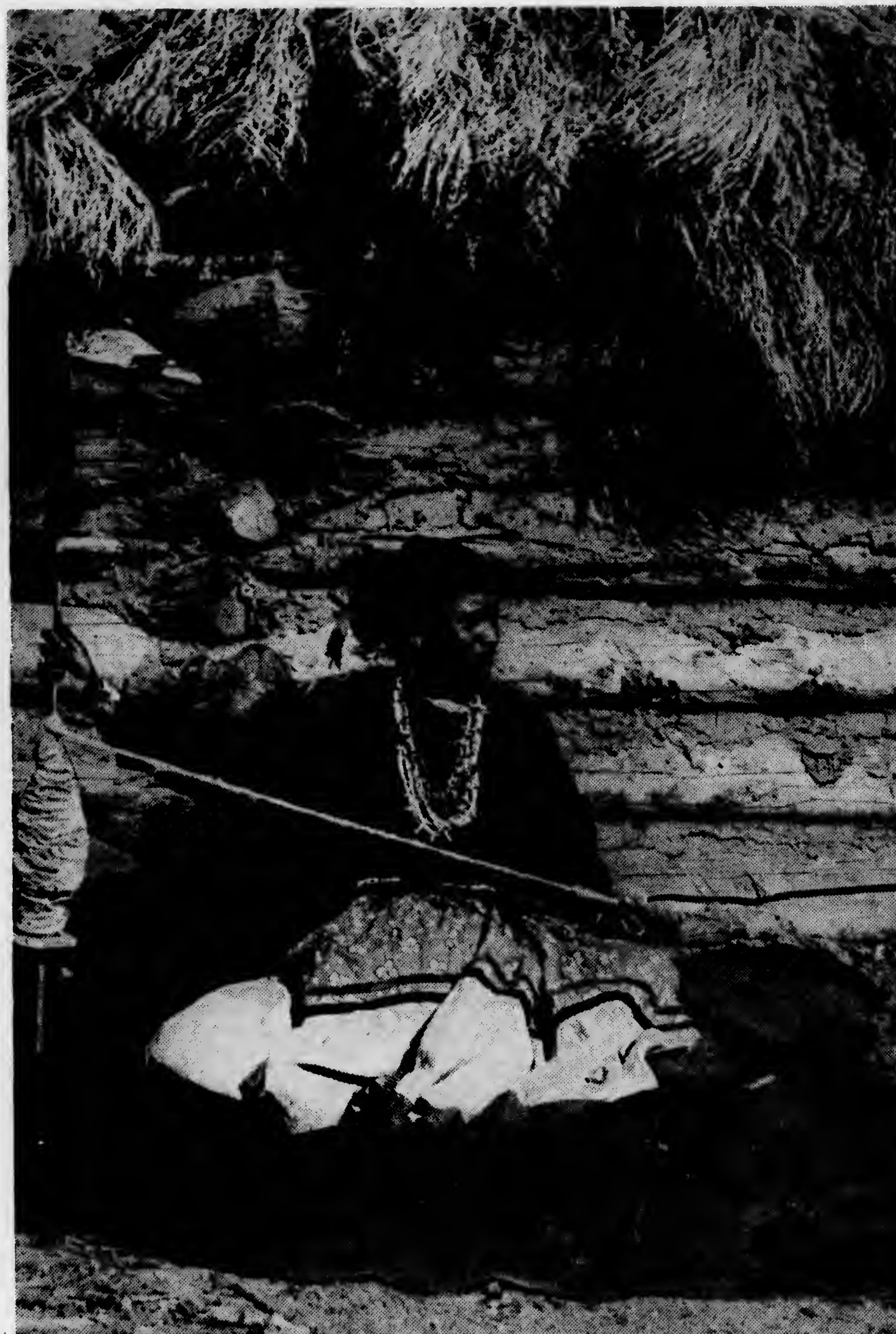
The Indian heritage, institutions and system of human relationships were believed to rest on a communal ownership of land. In order to destroy Indian communal life, Indian communal ownership must be destroyed. Allotment would accomplish this result. The individual's economic life must be torn loose from and walled off by law from his tribe; hence, tribal connection with allotted land was cut off in an absolute way. Not even the Indian family could interlock with the allotted land. An absolute individualism of ownership, subject only to control from Washington, was linked with the virtual prohibition of inheritance of allotted land by Indian heirs.

Other results of this dogma have been the proscription of Indian native religions, the many-sided warfare against the Indian family institution, the forced separation of the children from their parents and groups by the boarding-school and outing systems, and the shutting out from the Indian schools of all taint of Indian heritage. The outright destruction of the Oklahoma Indian tribal governments by acts of Congress was another, and a peculiarly ironic, result of the dogma. For these governments had been set up by the tribes under treaty guarantees, in one of the boldest attempts which history records toward the re-casting of an ancient culture into modern forms. Their great adventure failed, but it was the guardian government which first paralyzed and then killed it. General Francis A. Walker, com-

missioner of Indian affairs in 1872, thus testified concerning the Cherokee Oklahoma government:

They have their own written language, their national constitution and laws, their churches, schools and academies, their judges and courts. They are emphatically an agricultural and stock-raising people, and perhaps of all Indian tribes, great and small, are first in general intelligence, in the acquisition of wealth, in the knowledge of the useful arts, and in social and moral progress. The evidence of a real and substantial advancement in these respects is too clear to be questioned.

These results had been achieved by the Cherokees across forty years during which they had been driven from the Carolinas to Kansas, from Kansas to Indian Territory. Here was no as-yet-undisturbed primitive harmony, no frail bloom to wither before the blasts of civilization. Here was conscious social creation, stern and bold self-adaptation by a virile tribe, under the supposed protection of guarantees as solemn as the United States by treaty could provide. The guarantees went away like smoke before the allotment dogma.



Self-supporting and culturally whole—one of the still unallotted women of the Navajo tribe

Photo by Clare Stratton

Simultaneously came forced allotment and the destruction by act of Congress of the tribal institutions. As on the occasion of an earlier crisis in the eighteen-thirties, the Cherokees sought refuge in the Supreme Court, and as on the earlier occasion, they were pronounced defenseless. Their record is that of scores of Indian tribes. "Thou, who art now a cold ruin, wert once the dwelling of a king."

The Indian office itself, until March 4 last, sporadically carried forward the ancient warfare against tribal institutions. The struggle of former Assistant Commissioner Meritt, of the Indian Bureau, to break down the Council of All the New Mexican Pueblos, was one of many cases in point.

THE dogma which we are reviewing was indeed well served by the allotment system. For by itself, allotment has sufficed to destroy the responsible community life of many tribes. By itself, it has impaired the continuity of family life of two hundred thousand Indians. The destruction still goes forward, and any reconstruction of tribal, communal or corporate life on the allotted reservations is hindered and, in effect, vetoed by the allotment law and the conditions growing out of it.

The second allotment dogma was as follows: "Individual ownership of land has created the industry, thrift, ambition, etc., of white Americans. [Not the profit system or the principle of competition, but specifically and narrowly, the individual ownership of land.] Give such individual ownership to the Indian, and he will become laborious, thrifty, ambitious, and a go-getter generally." President Roosevelt's Indian commissioner, Francis C. Leupp, thus summarized the record: "Fixed in the minds of the statesmen who first attempted to formulate an Indian policy for our government, lay the philosophic premise that civilization has always gone hand in hand with individual landholding."

Originally, the allotment system gave the Indian his allotment outright, "all in one fell swoop." The Brothertown Indians of Wisconsin were thus allotted in 1838. They almost instantly parted with their land. Such experiences

made the legislators wise, and it was concluded that the transformation of the Indian by individual land-ownership would require twenty-five years for each individual. But the secretary of the interior was given power to shorten the trust period at will.

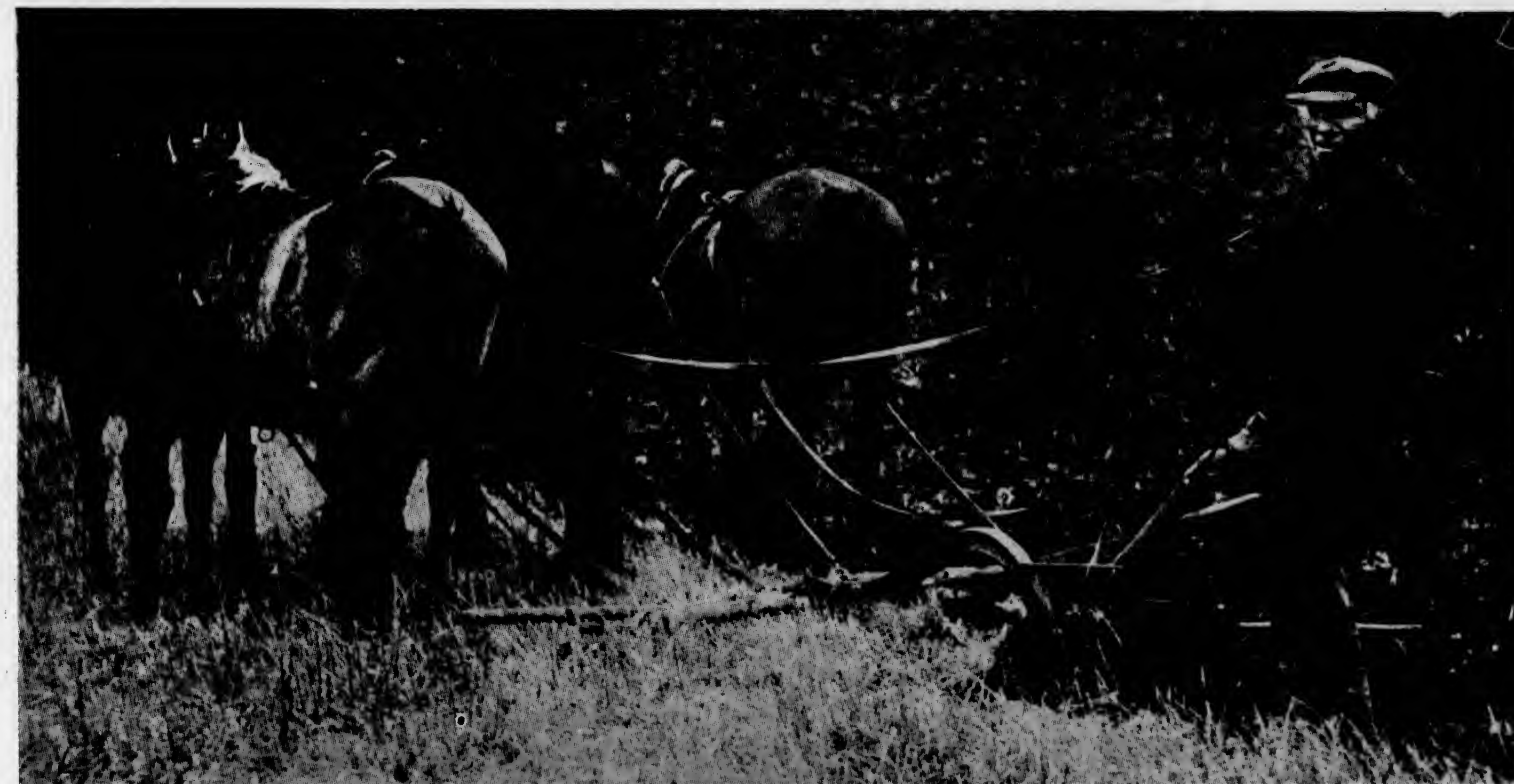
This mental and moral transformation was to be essentially a mystical operation. It had nothing to do with any actual use of his individual landholding by the Indian. Instead, the Indian was encouraged, and practically compelled to rent his land to whites. He did not pay taxes; he could not, under the law, incur obligations or make contracts; he was not provided the capital or tools wherewith to improve the land. Instruction in farming or farm organization was denied him. But at the end of twenty-five years, the dogma assumed that he would stand forth as an ambitious yeoman, industrious, trained and thrifty, serene on his individual landholding.

The mystical belief received a further expression in the amendments to the allotment law which were adopted in 1910. Children of allotted Indians, according to the implications of these amendments, were *born* into the state of mind of industrious, thrifty go-getters. A prenatal transformation had taken place. Hence the language of the act of June 25, 1910, which treats as a normal process the summary termination of the trust period for heirship allotted lands and the selling of these lands for cash. The children of the deceased allottee, born into a lusty Americanism and, by some dim implication, born into the possession of capital



Antonia Mirabel of Taos, a competent Pueblo legislator

Photo by Clare Stratton



The Indian hope which allotment does not fulfill—a self-sufficient farmer plowing his own acres

for buying their fathers' land in competition with white bidders, were left the privilege of buying up their parents' land. Naturally, the facts have not connected with the theory.

This second phase of the allotment dogma had its supreme hour in 1917, when Franklin K. Lane was secretary of the interior and Cato Sells was commissioner of Indian affairs. Allotment, they decided, had achieved its mystical goal; the Indians, at least those with more than half of white blood in their veins, had been transformed into workers, savers, hoarders of land and haters of debt. Secretary Lane announced "a new and far-reaching policy. It means," his 1917 declaration stated, "the dawn of a new era in Indian administration." The policy was that of forcing on all half-blood Indians immediate, absolute ownership of their allotments. Nearly twenty thousand Indians were fee-patented in two and one-half years. The Board of Indian Commissioners gave unreserved praise. "We heartily endorse the policy," they said, "and desire to point out that it is in line with the policies which the Board of Indian Commissioners has advocated, consistently and continuously, for more than a quarter of a century."

BY 1921, the dogma had perished amid a carnage of ruined Indians. The Board of Indian Commissioners revised its quarter-century advocacy. But the structural evils of the Allotment Act remained and remain in full sway, and forced demoralization, ending in forced disinheritance, is the law of allotted Indian life.

The allotted Indian was sequestered in his allotment. He was chained to his allotment. For twenty-five years, as he knew, he would have no personal control over his allotment—perhaps for fifty years, since the trust period could be extended by the president or by Congress. Or perhaps next year a fee-patent would be thrust on him, regardless of his competency or material equipment. Or his death would precipitate the dissolution of his holding, for so the law practically demanded.

Training, organization and credit are three prime necessities of farmers. They are instant necessities of farmers in the western irrigation areas. Training was not provided the Indians. Organization was virtually forbidden them, and credit was withheld. These facts are so adequately published in the Indian report of the Institute for Government Research (1927), that details are needless here. Secretary Hubert Work stated in his annual report for 1927:

The government's experience in reclamation for white farmers has demonstrated that a minimum capital of \$2,000 and two years experience in agriculture are necessary if they may expect to succeed in making a living on federal irrigated farms in the West, and these requirements have been established as a minimum qualification for all new settlers. Yet the Indian, untrained in agricultural pursuits and lacking individual capital, was placed on raw land and expected to acquire independence.

Last year only 6,000 Indians could be assisted [by the Indian Bureau's industrial reimbursable credit system] . . . and to reach even this number only the necessities for cultivation, such as seeds, could be provided. The law permits loans for as much as \$600 on unirrigated land, but the average assistance last year was \$30, a sum so inconsiderable as to avail nothing toward agricultural development.

The Allotment Act pledged to the Indians that no encumbrance would be placed on their allotments. Congress was faithful to this pledge from 1887 until 1914. In 1914, Congress by retrospective legislation turned all gratuity expenditures for irrigation and the like back to 1867, into mortgages on the Indian land. Since 1914, Congress, as

already stated, has piled the mortgages up and up, and they now exceed \$25,000,000. They are collected currently in part, and when the allotted Indian dies the whole indebtedness is recaptured by the government, and the heir receives what cash is left, if any.

To provide means for collecting this indebtedness, the Interior Department has encouraged the Indians to lease their land. The temptation or necessity was overwhelming in any event, in the absence of training, tools, capital or organization to use the land. Whence has grown up the far-flung leasing system, through which the government collects more or less of its mortgage debt on the Indian land and the Indian subsists as a petty landlord on trivial rentals from his allotted holding. The Indian heirs, knowing that they cannot inherit the land, be it improved or unimproved, wait in the hope of some small capital to be derived from the sale of the allotment when the parents or relatives die.

The heirship sales meantime are fast chopping down the allotted estate. A reservation whose allotment is comparatively recent is the Blackfeet reservation of Montana. There, 410,000 acres, or one-third of the whole allotted area, are already in the heirship class, and 350,000 acres are waiting for white purchasers. The slump in the farm land market has retarded heirship sales throughout the Northwest and West, otherwise the Indians would be many millions of acres poorer today. But this retardation is only a momentary brake applied to the down-hill movement.

As for the Indian Bureau and its superintendents, their situation is a lugubrious one. As L. F. Schmeckebier states (Service Monograph No. 48, Institute of Government Research): "The predominant feature of the administration of Indian affairs since 1887 has been the great amount of work in connection with the affairs of the individual Indian." This means the administration of nearly 200,000 parcels of allotted land, and of heirship interests multiplied back and forth across allotted lands and across funds derived from the sales of these lands, to the number actually of millions; since one individual, under the allotment law, may possess an equity in the lease or sale proceeds of five, ten, or even twenty parcels of heirship land.

OVER all of these matters the Indian Bureau has power exclusive, exhaustive and final. The allotment system has a like power over the Indian Bureau. The bureau witnesses the effects of allotment in an idleness and demoralization of Indians, in the depletion of the soil by tenant farmers, in the ever-mounting indebtedness consuming the equity. It knows that the end result is total disinheritance for the Indians. It is helpless to check or even to decisively modify the process. Superintendents on allotted reservations wake and sleep in the fruitless, hopeless, ever-renewed minutiae of allotment deals and allotment adjustments, and in the discontent, despair, suspicion and hatred which the law and its practical consequences have planted in the Indian breast. There are superintendents who, by temperament or by habit, are inured to this life of a squirrel chasing himself in a cage. There are others who would welcome a different kind of chance to help the Indians. And at headquarters, there is no disagreement as to the harassment and futility of the situation and its ultimate tragedy. The superintendent of a North-western Indian reservation writes in 1929:

We must sell from 35,000 to 50,000 acres a year [of allotted heirship land] for the next ten years, if we expect to absorb the acreage that we now have on (Continued on page 547)

business indicators for the Philadelphia area would, our report points out, "furnish a continuous indication of trends and would assist individual industries and trades in making orderly adjustments."

The Department of Industrial Research also proposes to analyze public works carried on directly or indirectly by the City of Philadelphia during the past ten years, and on this basis lay out a plan for using municipal public works to regularize employment in the Philadelphia area.

As a step toward better methods of finding jobs and finding workers in Philadelphia, the department intends to study the private employment agencies in the community, those run by employers' associations and trade unions, and the present State Employment Office.

Finally the department will study unemployment among workers and the extent to which it is a direct cause of poverty and social deterioration. In this group of studies will be included an analysis of the unemployment experience for a twelve-month period of all the wage-earners living in twenty-five selected city blocks.

This research program is fundamental to a community attempt to deal with unemployment. The Philadelphia studies will go forward as rapidly as personnel and the required cooperation are available.

Obviously, to put into effect such a plan as is here outlined is not the work of a few weeks or months. "Only through a continuing program," our report points out, "can a community hope to deal with its problems of underemployment, and permanent agencies will probably have to be developed for that purpose." In the brief time that has elapsed since the editor of Survey Graphic asked me to prepare this statement, the plan of which I write has become more than a plan. It has been approved by the Executive Committee of the Chamber of Commerce and referred back to the Industrial Relations Committee, which now is empowered to proceed at once to get the program under way as a going endeavor. The first step will probably be to form the standing committee recommended in our report. This means the discharge of the present sub-committee and the organization of a group of from five to seven members charged with general responsibility for carrying out the specific proposals of the report. The committee, to be known as the Committee on the Philadelphia Program for Combating Unemployment, will have the further responsibility of devising and suggesting needed measures not included in the scheme as it now stands. The Philadelphia plan, in the view of those who are perhaps closest to it, is a living, growing thing. Beginning as an attempt to devise a statistical tool, it has become a program for a community effort to deal with the complex problems of unemployment as a whole.

President Hoover has said:

There is, to my mind, no economic failure so terrible in its import as that of a country possessing a surplus of every necessity of life with numbers, willing and anxious to work, deprived of those necessities. It simply cannot be if our moral and economic system is to survive.

Philadelphia is preparing to accept that challenge. And we believe that if one community makes a deep-going analysis of its own situation and then sets about bringing up its "employment score," other communities will follow. Philadelphia is ready to do this pioneering. We see it as one step toward a sound national program, and an effective "way out" of the needless economic waste and personal suffering caused by unemployment in this country.

INDIANS INC.

(Continued from page 522)

hand and keep up with the new lands that are constantly running into estates. The situation is further complicated by the fact that all the heirs do not inherit equally. We have instances where one Indian will inherit units of 1/500 of an allotment [of the rental or sales proceeds of an allotment]. We are getting nowhere. I do not know how we can ever expect to continue as we have in the past.

The picture as here drawn is (Continued on page 548)

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(Continued from page 547) summary and is indefinitely less than the facts, but is enough to justify the question, are remedies possible?

Some administrative remedies are practicable, if the Indian Bureau be reorganized and if Congress be generous with appropriations. First, the further allotment of unallotted reservations can be stopped until the Allotment Act is amended into a beneficent rather than a baneful instrument. Second, agricultural help can be extended to the Indians—education, assistance in marketing and in productive organization, and crop, chattel and credit-union loans. Thus many Indians can be enabled to farm their own allotments, and some Indian heirs may be enabled to purchase the land of their deceased parents.

THESE remedies will not suffice. The allotment law must be modified. This power rests with Congress alone. Minor changes in the allotment law could be the following:

Heirship lands, when their value justifies it, could be recaptured and restored to the tribal estate for future allotment, through appropriations from Congress.

Indian heirs who desire to keep and use the heirship land could be assisted with government loans which, the Indian agreeing, would become mortgages on the land, paying interest to the government and subject to foreclosure in the discretion of the government.

The existing reimbursable lien on allotted lands, which is presumptively unconstitutional and which beyond dispute was imposed in violation of express compact, can be remitted by Congress. Possibly it might be nullified through a test case fought through to the Supreme Court, which Indian welfare bodies might usefully undertake.

The leasing by Indians of allotted land could be made a responsibility of the tribal council acting with the advice and assistance of the bureau superintendent. Congress established this precedent in legislation affecting the leasing of Crow Indian allotted land three years ago. Thus a modicum of communal responsibility for the landholdings could be restored.

All of these remedies, administrative, legal and legislative, would fall indefinitely short of a cure. What radical cure can be attempted?

Secretary Wilbur has repeatedly indicated the answer. The remedy lies in a program of incorporating the Indian tribes and groups. Under a new type of federal guardianship, exercised over the affairs of the body corporate, the Indians could then operate and develop the tribal estates and recapture whatever valuable part remains of the allotted lands.

The allotted Indian, turning in his allotment to the corporation, would receive, in consideration, shares of stock, cash or other consideration, as he and the corporation and the federal guardian might determine. The land recaptured by the corporation would be subject to re-allotment by the corporation, exactly in the manner which prevails on the Pueblo land-grants today. Individuals making beneficial use of Pueblo land hold it inalienably; they may exchange or sell it within the tribe; their heirs can inherit it; and when individual ownership terminates, the land reverts to the common estate. It would seem that the Pueblo allotment system was unknown to those who framed the federal allotment laws. Perhaps it was known to them but disregarded as being something native, ancient, Indian, and therefore necessarily worthless.

The tribal corporation would be empowered, subject to the official guardian's consent, to incur obligations, enter into contracts, float bonds, or utilize credit extended by the government. It would employ technical management, and in all ways would utilize the instruments of modern corporate business and would be held to the accountability of the business corporation.

The tribal incorporation plan has been drafted by Senator McNary into a bill for the incorporation of the Klamath tribe of Oregon. Vice-President Curtis, at the time majority leader of the Senate, advised in the formulation of the idea. Conceived primarily with respect to the diminution of paternalism applied to the Indian tribal estates, the measure is equally fundamental in its bearing on the tortured situation of allotted Indians and their locked-up and swiftly dwindling landholdings. It is the furthest-reaching, most all-embracing, and at the same time most promptly applicable of all major legislative proposals affecting Indians. The Klamath tribe secured the introduction

of the bill, and is promoting it. With appropriate changes of language, the corporation idea may prove applicable to the majority of the Indians and the overwhelming majority and value of Indian properties.

The McNary Bill, and the endorsement of the tribal corporation idea by Secretary Wilbur, mark a great historical change in Indian policy. They mark the end of that period through which it was deemed to be the obligation of the government to destroy Indian native life, outlaw Indian group enterprise, pulverize Indian energies, war against Indian personality and clamp upon the Indians that early nineteenth-century conception of human nature and of industrial process which the white man has long since escaped from.

AT FILENE'S

(Continued from page 518)

employees was never equal in power to the status of the stock-owning managers. As the event turned out, when the Filenes shared ownership with their fellow-managers, they merely added to themselves other capitalists who did not subsequently favor the wider sharing of ownership with employees.

No rank-and-file worker has ever been selected for the board of directors. Always the nominees of the Filene Cooperative Association have been executives. Only in the first election did the employees vote for these nominees. Afterward the choice was made by the association's council. Despite an occasional protest by the council which nominated them, these directors have not regarded it as part of their obligation to make reports on the state of the business to their constituents. When the final decisions were made regarding financial reorganization and even in the change whereby the Filene Cooperative Association no longer nominates directors, its nominees who were then serving had no power. The power to make the

change rested entirely with the owners of voting common stock who were also the officers and managers of the business.

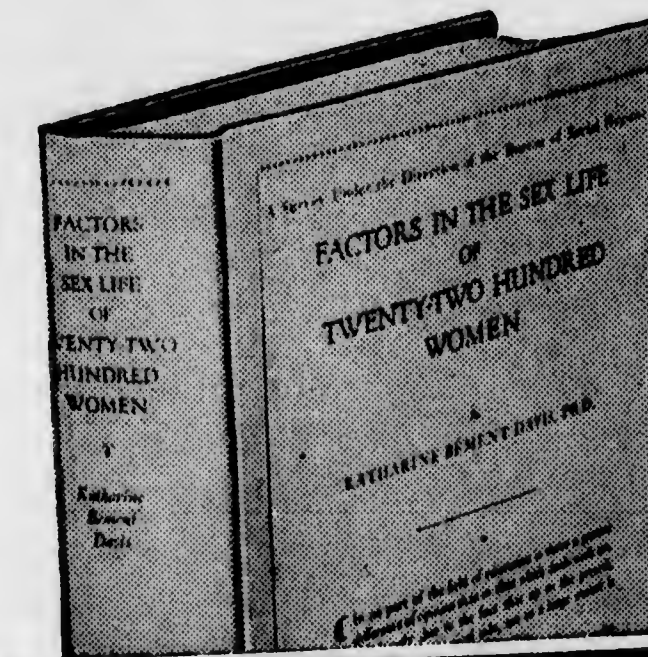
Perhaps in the present development of relationships between employer and employee these ideas which have been abandoned in the Filene store were not in the line of progress. Possibly representation on a board of directors is a futile gesture which gives to employees only the appearance and not the substance of a share in control. Possibly making store rules should be centralized and not decentralized. Perhaps profit-sharing is not the best method of compensating employees. To determine the ultimate desirability or undesirability of these experiments was beyond the scope of an investigation. The task of this study has been to observe and record their history—how and why they were adopted, how they worked in practice and under what circumstances they were abandoned. This record should have value as a basis for later study of such changes as may occur in industrial relations under merger control.

One thought is suggested which more or less inheres in studies of other similar plans in American industry. For the most part, the ideas developed in these plans are traceable to a philosophy of personal fair-dealing which had its origin in the days of small units of business and industry. As the size of the units of organization has increased, their owners and managers in the plans to which we refer have attempted to carry over the ideals of personal relations into the new stages of industrial development. Perhaps the more recent stages of combination display a fundamental difference in kind rather than merely in size. If so, perhaps the earlier idea of personal relations and the attempts to restore it must give place to a new conception of relationships in which employees will function responsibly in a new type of management. What Edward A. Filene has called his failure may prove to be a demonstration of the need for further experiment in which obvious mistakes of the past will be avoided. When that experiment is made, it must be worked out in the light of a clearer conception than yet prevails regarding the effect of mergers upon human relations in business and industry.

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DRUGS ET CETERA (Continued from page 529)

perhaps, the most important point. How accurate is the druggist in putting up prescriptions anyway? The Connecticut Agricultural Experiment Station publishes annually a bulletin devoted to a report on food and drug products in that state. I have here issues for 1925, 1926 and 1928. Among other things the bulletins deviate into analyses of prescriptions or drugs as put up by pharmacists to order. It seems of interest, therefore, to conclude with certain samples from these bulletins which bear upon matters mentioned by my druggist friend.

In the first place, the weight variations in tablets and pills supplied by pharmaceutical houses are often quite significant. Nearly 5 per cent of them will be from 20 to 30 per cent off in weight, while 40 per cent of them are regularly between 5 and 10 per cent off. Thus some aspirin tablets, for instance, were found in 1925 to be 20 per cent by weight from what they should be. What is worse, tablets and pills may vary widely from what they should be in their content of their principal medical constituent; 15 per cent of them will thus vary from 5 to 10 per cent while 6 per cent will vary from 20 to 30 per cent in their main active medicinal principles.

A prescription for arsenous acid sent to two pharmacists in 1925 brought samples of less than half strength in both instances; in a third case Fowler's Solution, which is not a solution of arsenous acid at all, was sent. Drugstore lime water, which should contain .14 per cent calcium hydroxide, was found at times to contain as little as .02 per cent. Citrate of magnesia was found to be two-thirds full strength. Essence of peppermint, which should contain 10 per cent by volume of oil of peppermint, actually contained on analysis such percentages as follows—4, 11, 14, 7.7, 10.7, 10.9, and 13.9.

WE turn to the report for 1926. Pills from a physician's stock had less than half the amount of iron compound they were supposed to contain, while tablets of morphine sulfate were found entirely too high in morphine sulphate—again an indictment of manufacturers. Drug-store lime water this year ran from .39 down to .04 per cent calcium hydroxide in lieu .14 per cent. Low figures for 10 per cent essence of peppermint were 2.52 and 7.60! Tincture of iodine supposed to contain 7 grams of iodine and 5 grams of potassium iodine per 100 c.c. actually contained 3.78 and 2.97 grams respectively. A simple solution of potassium iodide in water was asked for—45.5 grams of the salt in each 100 c.c. Various drug stores turned out such figures as the following in lieu 45.5—48.15, 48.27, 33.42, 51.84, 9.65, 15.66, 32.42, 38.99, 49.61, and out of 54 samples only 27 were O.K., 13 passed, 13 were too low and 1 too high.

Arsenous acid, a simple prescription, was tried again; it should contain 1 per cent of arsenic trioxide; such figures as the following showed up on analysis—.85, .55, .02, .64, 2.05, .72, .52, .70, .86 per cent—while in two cases Fowler's Solution, entirely the wrong material, was passed out. Nothing would seem simpler than to get aromatic spirits of ammonia of proper strength. It should contain 1.87 per cent of ammonia (grams gas per 100 c.c.). Yet out of 43 samples from different drug stores 25 were deficient in ammonia by amounts greater than 10 per cent; such figures as the following were not unusual in lieu 1.87—1.32, 1.08, .95, 1.43, 1.62, 1.39, 1.34, 1.08, 1.19, and 1.48 per cent. Colloidal silver preparations, which include argyrol, were often off in strength—in fact, 13 out of 59 samples of argyrol were not what they should be, while the 10 per cent solution ran sometimes as low as 8.43, 6.43, 7.83, 5.95, 6.22, 5.98, 6.01, 4.80, and 8.53 per cent. Argyrol containing almost identically the same amount of silver sold at prices differing from each other as widely as 63 and 34c per ounce.

Finally, let us take just a glance at the latest (1928) Report. A sample of 10 per cent ammonia water was purchased which contained 0.3 per cent ammonia—a propitious start surely. Sweet spiritus of nitre ran all over the lot; supposed to contain 4 per cent of ethyl nitrite, actual samples contained such amounts as 1.8, 2.3, 3.3, 2.7, 1.7, 3.1, 2.9, 2.4, 1.7, 1.8, 1.2, 1.5, 2.2. Mass of ferrous carbonate it seemed almost impos-



Photo by Underwood

THE PRESIDENT OF THE NATIONAL COUNCIL OF AMERICAN INDIANS
Zitkala Sa (Mrs. Gertrude Bonnin)—though undefeated herself, is a member of a tribe which the government's policy of allotment has utterly ravaged

Indians

History at Its Source

By HUBERT PHILLIPS

IF one looks at a map of California, even the best of maps, one will find in the south-westerly portion of the great inland valley a lake, several hundred square miles in extent, and bearing the name, Tulare Lake. But if one journeys, as travelers often do, to one of the towns shown by the map as being on the lake and asks, Where is the lake? one will meet with an incredulous stare; for the lake has disappeared and what was once its bottom produces, when Nature is favorable with her rain, immense quantities of barley and wheat.

The disappearance of this body of water, within the memory of men not yet old, is a story in itself but is only incidental to the purpose of this article. Within the delta of one of the rivers once emptying into Tulare Lake, the Kaweah River, but now entirely diverted for irrigation, there has developed, in what was naturally a poorly watered plain, one of the greatest citrus and dairy counties of California, Tulare County.

When the first white men came to this region a peaceful tribe of Indians, the Yokuts, inhabited the borders of the lake and the valleys of the rivers emptying into the lake. The Yokuts had been able to adapt themselves to the peculiar environment of the region and, without forays against more favorably situated tribes, were able to subsist upon its natural products, acorns, tule roots, game and fish.

During the Spanish period no settlements were made in this section of California. The first white men to come to the region in any number were from the southern part of the United States. As the news of the discovery of gold in the Sacramento Valley spread over the country the trail from southern California to the gold fields led through the territory where the Kaweah debouched out of the Sierra Nevada. Over this trail came many men from Texas and all the other southern states. Many a would-be miner must have made a mental note of the Kaweah country as he passed through it, for after the first rush for gold was over, or after a stake had been made, or more often, perhaps, after one had become reconciled to the fact that gold was for but few, many men returned to the Kaweah delta to make it a place of permanent settlement.

Closely on the heels of the "Americans" came a settlement of Irish from Australia, strangely enough, and Gilligan and McCabe and other Irish names are still frequent in Tulare County. In recent years, keeping pace with the development of the dairy industry, the Portuguese have come in large numbers. This group, like the Irish, presents an interesting example of migration by "broken voyages," if

one may be allowed the expression. Natives of the Azores, they came first to the Hawaiian Islands and thence to California. The latest waves of immigration to reach the county were practically simultaneous although, to be exact, the Mexican preceded the Negro. Within the past ten years, the Mexican here, as elsewhere in California, has become the itinerant fruit worker, while within the past five years the southern Negro in large numbers has come in with the developing cotton culture.

Such is the diverse racial composition of Tulare City and vicinity where there has developed the first Community Adult School in the United States. It is not the purpose of this article to describe that interesting piece of educational pioneering. If I mistake not it is already familiar to Survey readers. But there was one phase of the 1929 Adult School which students of the adult education movement feel was especially significant and important. It is that which will be described, as briefly as possible, in the following paragraphs.

THE date for the 1929 Adult Week End School was set for six successive Friday nights in January and February. When the writer was asked to lead one of the six groups, into which the school was to be divided, on the subject, The History of Tulare County, demurrer was made chiefly on the ground of ignorance on the writer's part of the subject matter to be considered by his group and furthermore that the time was too brief in which one might inform oneself even if there was printed material available.

The director of the school informed me that there was not much in print and that, as far as he was concerned, he might ignore that. What there was to work with, he said, was a group of men and women, rapidly becoming fewer in number, whose lives stretched back to the days of the early settlement of the county. With them would die the knowledge of many happenings and events of pioneer days. The director's thought regarding the proposed course is shown by the following quotation from the bulletin announcing the Adult School:

An original presentation of the human story involved in the growth and development of the Tulare County community from a poorly watered plain to an agricultural empire, to be told in large part by the pioneers and survivors of the various periods. The individual experiences of this group will be woven into a historical whole by the leader, for the purpose of arriving at certain principles underlying the growth of western communities. For convenience, the history is divided into six periods:

1. The Indian period—reception of the white man.
2. The original white immigration.
3. Early political life—county organization.
4. Agricultural development—water problem.

5. Development of social life—schools, churches, and the like.
6. The new county—present and future problems.

Such was the strange history course the writer was asked to conduct. A course in which the leader or "teacher" was not supposed to take material from the printed page and make it vivid and real to the class, but, instead, was to get expressed in words material which existed only in the memories of men and women.

After the course had been definitely determined upon by those organizing the school there were still some uncertainties about it. Would the older folk of the community be interested enough to attend and if they did would the meetings simply furnish an opportunity for garrulous old men and women to repeat tales, most of which were not true or, at best, only partially true? This was the test for the leader. If he were to be anything more than a presiding officer he must have the ability to "feel" the group and to differentiate quickly between the one who simply had a tale to repeat and him who had a real contribution to make; to discourage in the one case, and to encourage in the other.

The result of the undertaking was full of surprises. No one suspected the wealth of material that was to be poured out in the reminiscences of the men and women who composed the group. No night was more surprising than the first when the announced subject went back beyond the memory of all but two or three of the very oldest people of the community. Yet they did not make the greatest contribution to that evening's discussion. The class discussion was barely started when it became evident that a teacher of mechanic arts in the Tulare High School, a man thirty years of age, had a most astonishing knowledge of the customs and language of the Yokut Indians. He knew personally the four or five surviving members of that tribe; he had taken elaborate notes of his conversations with an old pioneer, recently deceased, who had lived as a boy with the Yokuts; and he had excavated many Indian burial grounds. There were quite a few others in the group who were also familiar with the burial practices of the Yokuts.

The result of the first evening's discussion, if the leader is in a position to judge, was the creation of a profound respect for the Yokut. The group realized how completely the Yokut had mastered his environment; how he had taken the tule, a long reed-like plant that grew in abundance along the lake and rivers, and from it obtained food, clothing, shelter and boat-making material. Also, in some strange way, he had learned to leach the tannic acid from the acorn so that acorn meal, acorn bread and acorn soup formed his staple article of diet. In addition, the group learned that the Indians of this particular section welcomed the first white men and that bloodshed and strife came only after it became evident that the Indian was to be pushed back toward the mountains and out of the territory which fur-

nished him his two principal articles of food, tule roots and acorns.

The reader, from his knowledge of the pioneer history of our country, can, in part, fabricate in his mind the substance of the later discussions. But, it should be remembered, it was not hearsay discussion. Men and women were telling, not what they had read, but what they had experienced. One man, for example, who attended every meeting had come into the community as a young boy with the very first settlers. He had seen the displacement of the Indian; the organization of the first county government which made Tulare County larger than the states of Massachusetts, Connecticut, and Rhode Island combined; had witnessed the struggles of the later settlers with the Southern Pacific Railroad for good land at reasonable price, a struggle graphically described in Frank Norris' *The Octopus*; had been an interested party in the contest between the cattle-men and the farmers culminating in the No Fence Law which forced

the cattle-men and their herds back into the hills; had been an active participant in the formation of the first irrigation district and for fifty years had been a director of one or more such districts. This man's experience was unusual only in its length. The life and memories of many members of the class covered the same events with the exception of the very earliest ones.

As the sixth, and last, meeting approached those responsible for the un-

dertaking naturally asked themselves, Has it been worth while? No one thought of asking, Has it been interesting? The attendance and the eagerness of the group each evening answered the latter question. But what of its value, especially to the large number of young and middle-aged people who had attended but who had no contribution to make and so could not participate in the discussions except to the extent of asking questions?

ON the last night, a few minutes before final adjournment, the leader asked for a frank reply to the question, What has this course meant to you; has it been worth while? Before an answer was made he reminded the group that he had not planned the course, had practically been drafted to lead it, and that he told them at the first meeting that he did not pretend to know anything about the history of Tulare County.

The response was immediate and entirely convincing that the course had served a purpose. Condensing and summarizing the responses of the group the following statements can be said to express the group judgment:

1. Was an introduction to California history for those who had lived most of their lives in other states.
2. Made real a certain dignity, standards of character and nobility, in the Indian which had not been appreciated before.

(Continued on page 544)



Courtesy F. F. Latta

Ada Icho, fullblooded *Wukchumne*, with her grandchildren represents the culture that was the study of a most unusual history class



Courtesy F. F. Latta

Bob Icho, headman of the tribe of *Wukchumne*, with his cheerful family

Drugs Et Cetera

By T. SWANN HARDING

Drawings by Helen B. Phelps

Possibly no all-American institution stands as a better symbol of Yankee enterprise and credulity than the glittering emporium which sells books, percolators, bathing slippers, rouge, sandwiches, toys for the baby and whatnot, and goes by the name of the drug-store. In the preceding issue of Survey Graphic physicians pointed out that the American penchant for patent medicines is a not inconsiderable item in the cost of medical care. Here, in a chapter from a forthcoming book, Mr. Harding, research chemist and writer along many lines of scientific iconoclasm, describes with evidence from the pharmacists themselves some of the methods of drug-store merchandising which confuse and perplex doctor, patient and proprietor, and affect the price and quality of the prescriptions we buy over the counter.



NAR be it from me to be maliciously critical of druggists. They are too much imposed upon already. They admit it. Their journals constantly protest the antics of thoughtless people who come in and use them as conveniences and profit them nothing. Years ago I remember a young man who opened a drug store in our town, in the good old days when individuals opened drug stores. The first customer was a plaintive, querulous old lady who, after purchasing a two-cent stamp, made a trenchant remark that is still indelibly engraved upon the tablets of my memory. (There is nothing like a course in English from the movie subtitles.) She said—"I came here instead of going to the postoffice for I like to encourage young men and I do want to see you get along."

I worked in a drug store once myself. One of my rare moments of vision was vouchsafed me there. I was alone in the store when a girl came in for some paregoric. I was abstracted at the time. In fact, I was reading an old medical treatise; I do not need to specify what part thereof—and I rather hastily gave the girl the drug and returned to my book. Not ten minutes later the girl's irate mother appeared—the paregoric was not what it should be. In fact, she had smelled of it and regarded it in a good light and it was rotten.

Immediately my vision came and I agreed with her. It had spoiled. Would she wait ten minutes? I would be glad to make some fresh. She was mollified and I retired behind that mysterious screen which separates the drug store holy of holies from the unsanctified parking space out in front.

I retired to meditate and see what in the devil could be the matter. Almost at once I observed that the stock bottle of tincture of iodine sat beside that containing the paregoric. In my abstraction I had given the child iodine in lieu paregoric. That was easy to remedy, but I loitered at the business

and even read a few moments before I emerged from the sanctum with the "newly prepared" paregoric in hand. The mother took it and went on her way assured that, though young, I was a thoughtful and courteous lad, willing to go out of my way to please and inclined to be careful as well.

Later, when I retailed the episode to my employer, the pharmacist who ran the store, he told me my technique was perfect. First, I wisely assumed I knew what was the matter and that I knew how to make it right. I pacified and placated an irate customer and led her to believe that I knew my business, and intended to give her honest service. I magnified a very simple procedure into something skilled and slightly esoteric by loitering ten minutes at a job I could have done in two. In short, I kept up appearances, satisfied the customer, enhanced the prestige of the store, and sold the goods. That I did not kill the baby is, at least in this place, an alien and irrelevant factor we may as well politely ignore.

But this launches us upon pharmacy. Adhering rather closely to their prescription work, as differentiated from their traffic in soap, kodaks, sandwiches, bathmats, confectionery, writing paper, and patent or "proprietary" remedies, what do pharmacists do and how well do they manage to do it?

One day not long ago I was talking to a druggist. He was an old friend of mine and began to expound some of the technicalities of his trade. It was summer and near the seashore and he pointed out to me some fancy bottles of "Dobson's Special Antiseptic Lotion" with his name attached, of course, as the producer. He remarked: "That's

real salesmanship there. I get that junk at a price enabling me to sell it at a quarter an eight-ounce bottle, but it didn't go last year. So I saved it up. See how I've got it labeled now? It's a wow. I get \$1.25 for four ounces of it! If they come in with plain, ordinary sunburn I sniff; I sell



Who gives you the right time, the use of a phone, and a meeting place?



THE POLICY OF THE OFFICE OF INDIAN AFFAIRS
ON RELIGIOUS LIBERTY AMONG INDIANS

Letter from John Collier, Commissioner of Indian Affairs,
to Mr. Ben Dwight, Editor of "The Tushkahomman",
Stroud, Oklahoma, February 19, 1936.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS
WASHINGTON, D. C.

February 19, 1936.

Mr. Ben Dwight, Editor,
The Tushkahomman,
Stroud, Oklahoma.

Dear Mr. Dwight:

I am very glad to have your inquiry, because it provides a legitimate occasion for me to state that many things recklessly untrue have been circulated with respect to the policies of this administration toward Christian work among Indians. Reckless untruths have been circulated also concerning my own personal religious beliefs.

I use the characterization "untruths" thoughtfully. Nothing said or left unsaid, nothing on or off the record, provides even a specious foundation for many statements which persistently have been circulated.

It has been asserted that the regulations of the Department dealing with religious instruction in Indian schools have as their object the forbidding of religious instruction, and consequently I shall discuss this matter in detail.

The general policy of the Indian Office concerning religion is stated in Office circular of January 3, 1934, entitled "Indian

Religious Freedom and Indian Culture", and is therein summarized as follows:

"The fullest constitutional liberty, in all matters affecting religion, conscience and culture, is insisted on for all Indians."

This injunction to the Indian Service is in harmony with the first amendment to the Constitution of the United States, which provides that "Congress shall make no law respecting an establishment of religion, and prohibiting the free exercise thereof". As public officials who have sworn to uphold the Constitution, and as Americans who believe utterly in the ideal of freedom of conscience, Secretary Ickes and I felt compelled to issue the order from which the above sentence is quoted. We did so because we discovered that the Indian religions and the free choice of the Indians in religious matters were not given this Constitutional protection. We found, for example, that Indian children in the Government schools were subjected to compulsory denominational instruction, not through parental choice but by official coercion. School teachers were required to exact attendance and to maintain discipline at purely religious meetings. Physical persecution against the Indian religions has been indulged in from time to time, down to very recent years. Our present policy is to give to the Indians the same rights that other people in the country have, and have had, without question. 11

Regulations dealing with religious worship and instruction, approved January 15, 1934, applied this general policy to the religious training of Indian children in government schools. While we sternly insist that coercion shall be eliminated, we are going much further than previous administrations in cooperating with the denominations in placing the Christian invitation on a voluntary basis. The heart of these regulations is contained in the following paragraphs:

"Any denomination or missionary, including any representative of a native Indian religion, may be granted as a privilege the use of rooms or other conveniences in the buildings or premises of boarding schools, on condition that there are pupils who, by parental choice or by personal choice if the pupil is 18 years of age or over, request the services of such missionary or denomination."

"Any child at an Indian Service day school upon written request of his or her parents, knowingly and voluntarily given, shall be excused for religious instruction, including instruction in the native Indian religion, if any, for not more than one hour each week."

These regulations further direct employees "to cooperate with the missionaries by encouraging and facilitating attendance at the specified religious services", forbid compulsion upon the children, and proselytizing, and also direct that employees shall not be compelled to teach at Sunday School.

It is this Administration which introduced the general policy into Indian day schools of releasing children during school hours for religious instruction. The extent to which we have gone is instantly grasped when the Office regulations are compared to the general practices in other tax supported day schools. Only a relatively few of such institutions release children during school hours for religious instruction. *Why should they?*

Allow me to call your attention to a bulletin of the Office of Education, issued in 1933, entitled "Week Day Religious Instruction", which describes the situation in those public school systems which release children during school hours for religious training. Of 2,043 systems studied, less than 11% reported cooperation with the churches by releasing pupils on school time. Even those school systems which cooperated in this movement did not generally release pupils from both the elementary and high school grades. Only about one-fourth released high school children during school hours for religious training. It is interesting to note, from figures available, that only about 38% of all the children in the elementary schools are released from school for religious training.

This bulletin also points out that in the public schools, children are released for religious instruction "only on written request of parents", and that attendance at such services is not

compulsory.

In contrast to the relatively few public schools releasing children during school hours, the Government's Indian day schools without exception will release children for religious instruction during school hours, on request of parents. All boarding school officials cooperate by making necessary arrangements for religious instruction of the children whenever parents make written request for such instruction.

The question naturally arises: Why the distorted and unfair criticisms of these regulations? The answer is plain. In the past, Indian religions were persecuted and Indian school children were forced to attend denominational services in utter disregard of the constitutional guarantee of religious freedom. A basic governmental principle of complete separation of church and state was openly flouted by the Indian Bureau, which boldly supported a complex interdependent relationship of the Indian Service and various missionary bodies.

A letter of Mr. D. M. Chase, a missionary to the Indians at Lovelock, Nevada, analyzes the objections of some of the critics of the present policy as follows:

"A great deal of the discussion of the new Indian policy reveals a patronizing attitude on the part of the writers toward the Indians. It is constantly assumed, even by otherwise generous-minded persons, that Indians should have no right to religious choice. I am compelled to include our editor in this category because he has constantly assumed that a policy of giving Indians free choice is equivalent to denying them Christianity. (In-

cidentally, do we really have so little faith in our religion as to feel an injustice has been done if the government does not force it upon the Indians?)

"The attitude of Mr. Ickes and Mr. Collier is not that of partisan promoters of Christianity. Such attitude would be perfectly proper on the part of a Christian editor or minister, but quite improper on the part of administrators of Indian affairs. However much they may be personally committed to Christianity, they could not properly pursue the partisan policies requested of them by the critics. Now I do not really believe the editor wishes to be unfair. Yet the policies he objects to are nothing more than a neutral attitude toward the Indians' religion. The constitutional right of free religious choice may not have been respected in the past. When Ickes and Collier now maintain that right they are called enemies of the Christian faith, and are charged with being determined to paganize the Indian."

The Department's position and my own has been the reverse of negative in this matter of cooperation with the denominational bodies. A single example is here mentioned. Upon our, and in fact, upon my personal initiative, Congress last year adopted the policy that gratuity moneys could be used to pay for the physical care of Indian children in private, including denominational, institutions. This enactment has greatly broadened the possibility of a discriminating and united action between the Department and the missionary bodies. Congress did not act upon the initiative of any missionary body, nor did I act upon the pressure or even the initiative of any of them. The action was taken because the Department thought and because Congress thought that a better systematized use ought to be made of the private and denominational schools in behalf of

the Indian children, and because we wished to remove superficial handicaps under which these institutions have labored in contrast to the better-financed government schools.

It has been stated that I am and the present Administration is hostile to the Christian religion because we recognize liberty of conscience for Indians who profess religions other than the Christian. Again we are back upon the Constitution, and the indictment should be leveled against the framers of the Constitution. Liberty of conscience in America never was meant to be liberty only for those who profess Christianity. Long before the Constitution was drawn, the matter was sufficiently stated by Roger Williams, and I quote his words: "True civility and Christianity may both flourish in a state or Kingdom, notwithstanding the permission of divers and contrary consciences, either of Jew or Gentile."

Going further, I consider that our policy toward the native Indian religions should be a positive one--not less positive than in the case of Christian religions. There exist Indian tribal religions which have been forged out through thousands of years of striving and endurance, and of search for truth, and which contain deep beauty, spiritual guidance, consolation, and disciplinary power. These native religions, on their side, do not contend against Christianity. Indeed, it is worth pointing out that in no instance, to date, has a native Indian religion, through any spokesman, asked for the provision of facilities or encouragement by the Government. But should one of the native religions make such a request, our duty would be clear. Within the limits of the regulations, we should cooperate.

Finally, persistent innuendo and even direct statement have been circulated to the effect that I personally am hostile to religion and am alien to the Christian religion and am an "infidel," "atheist," and other such epithets. No facts have ever been cited; the statement simply has been made, and made persistently. It has been made although I have written extensively on these matters and although my writings are accessible. It suffices here merely to declare that the statements are false and without any basis, and that the facts are exactly the opposite from the statements.

I repeat that I am grateful to you for sending me your inquiry. I am glad to supply my answer although I know in advance that sentences will be lifted out of their context by some critics and will be used to further misrepresent the policies which I have defined.

Sincerely yours,

(Signed) John Collier

Commissioner.

War, at Rebellion Records

1861-63

California, Utah, Oregon, Washington

CRESCENT CITY, June 24, 1861.

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Brig. Gen. E. V. SUMNER,
Commanding Pacific Division, U. S. Army :

DEAR SIR: In accordance with instructions we herewith transmit to you a copy of the proceedings of a meeting of the citizens of this county, held this day. A petition to the same effect has been heretofore forwarded to you, but as yet we have had no response. Pardon our importunities upon this matter, for when we tell you that the Indians are at least twice as numerous as the whites in this county, and many of them well armed, and our lives, property, and all that we have is subject to destruction at any time, you will not consider us more urgent than others would be under similar circumstances. Will you be kind enough to give us a response soon? If the Government can give us no protection, or nothing to defend ourselves with, we must make preparation at our own expense, as we do not desire a repetition of the scenes of 1855 and 1856. Hoping for a response,

We are, truly, yours,

J. P. HAYNES.
 BEN. F. DORRIS.

[Inclosure.]

CRESCENT CITY, June 24, 1861.

At a meeting of the citizens of Del Norte County, this day held at the court-house, in the town of Crescent City, pursuant to notice, the following preamble and resolutions were unanimously adopted, to wit:

Whereas by a recent order the military force under the command of Lieut. George Crook, stationed at Fort Ter-Waw, in this county, has been removed, as we learn, with the intention of an entire abandonment of said post; and whereas we believe that the presence of said force has been effectual in awing and restraining the Indians in this and the neighboring county of Klamath, and we consider their continued presence essential to the preservation of peace and the protection of the lives and property of our citizens; Therefore we, citizens of Del Norte County, do resolve—

First. That it is the first and highest duty of Government at all times to afford adequate protection to the lives and property of its citizens.

Second. That we do most respectfully and earnestly protest against the removal of said troops from our midst, thereby exposing us to the perils of a war with the numerous and treacherous race of savages by whom we are surrounded.

Third. That the commanding officer of the Pacific Division, U. S. Army, be and is hereby requested to return said company and officers, or some other instead thereof, to Fort Ter-Waw with as little delay as possible.

Fourth. If it be impracticable to return said company, or some other, as herein suggested, that we do hereby earnestly request the commanding officer to leave with us, under charge of such persons as he may designate, a sufficiency of arms and ammunition with which to defend ourselves in case of danger.

Fifth. That the secretary be instructed to forward a copy of the proceedings of this meeting to Brig. Gen. E. V. Sumner, commanding Pacific Division, U. S. Army.

J. P. HAYNES,
Chairman.
 BEN. F. DORRIS,
Secretary.

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~~Colt pistols, navy pattern, if they are desired. The rifles are on hand at this arsenal.~~

~~I am, sir, very respectfully, your obedient servant,~~

~~J. MCALLISTER,~~

~~Captain of Ordnance, Commanding.~~

HEADQUARTERS,

Camp Fitzgerald, Cal., August 31, 1861.

Capt. R. C. DRUM,

Assistant Adjutant-General, San Francisco:

CAPTAIN: As stated in my letter of the 30th instant, I left here this morning, in company with the U. S. marshal, with sixty dragoons. The inclosed letter overtook me on the road, with orders to go to San Bernardino with my squadron.* I shall leave in obedience to this at 1 o'clock, and by judicious riding be in San Bernardino to-morrow. I shall take with me a howitzer, covered in a wagon, to leave with Major Ketchum, should he desire it. As I am well advised through the Union Club here, and through spies, of all moves of the secessionists, and would know at least some days beforehand of a contemplated attack either here or at San Bernardino, I place no reliance upon the report. I shall leave my tents standing in my camp, but in obedience to the major's orders report to him, taking with me 1 officer, 90 men and horses, 1 gun, 10 days' provisions, and 6,000 rounds of ammunition. The depot quartermaster has gone over to San Bernardino, which cripples me a little, but I can get two public wagons. These will be enough, and there is not, I understand, a month's supply of subsistence at the depot to take with me, though the major wishes me to do so. I pray the secessionists may attack me on the road, if they are after anybody. I think my ninety dragoons can give a good account of themselves, as we were going into Holcomb with sixty. I shall still have the marshal with me, and urge the major to permit me to execute the general's directions about the deserters in Holcomb. Bryant is left in command here. He is a good officer, clear head, and will keep matters straight on election day.

~~I am, captain, your most obedient servant,~~

~~JNO. W. DAVIDSON,~~

~~Captain, First Dragoons, Commanding.~~

FORT TER-WAW, CAL., August 31, 1861.

Maj. RICHARD C. DRUM,

Asst. Adjt. Gen., Hdqrs. Dept. of the Pacific, San Francisco, Cal.:

MAJOR: In accordance with the direction of the general commanding, I have the honor to report my arrival at this post on the 28th ultimo [instant], and its occupation by Company C, Fourth Infantry. I found upon my arrival at Crescent City that the stock of barley (11,000 pounds) left by Lieutenant Turner in charge of Mr. Snider had been sold and transported to Crescent City; also two wagons. I have re-purchased one of the wagons and contracted for a supply of grain to be delivered here (10,000 pounds). I found nothing worth taking up on my returns of the property left by Lieutenant Turner except two

* Not found as an inclosure.

stoves and two pairs of andirons and a whale-boat, which will serve our purposes for a time. Apart from the item of transportation (\$25 to \$30 per ton from Crescent City), this post is not an expensive one to keep up. Half the forage allowance will be sufficient, and fine beef-cattle can be purchased on the hoof from responsible parties for 5 cents or less. The Indian population are quiet and well disposed. Mr. Snider found no difficulty, I believe, in preserving and turning over to me in good order the buildings, garden, &c. There are no post records left behind.

I remain, sir, very respectfully, your obedient servant,

L. C. HUNT,
Captain, Fourth Infantry, Commanding.

~~HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., August 31, 1861.~~

~~Capt. R. C. DRUM,
Asst. Adj. Gen., Hdqrs. Dept. of the Pacific, San Francisco, Cal.:~~

~~CAPTAIN: Circumstances may render it necessary for me to call for a few volunteers, and in order to be prepared to muster them in properly I will thank you for muster-rolls, &c., or any instructions on the subject which will enable me to act knowingly.~~

~~Very respectfully, your obedient servant,~~

~~G. WRIGHT,
Colonel Ninth Infantry, Commanding.~~

~~HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., August 31, 1861.~~

~~Col. B. L. BEALL,
First Dragoons, Commanding District of Oregon:~~

~~SIR: The general commanding the department has reason to fear that in the event of volunteers being called for from the State of Oregon, agreeably to the authority granted from these headquarters, the officers selected may not possess that character for loyalty to the General Government essentially necessary in those occupying so important a position. Should you think it necessary to call into service a force for the object indicated in former letters from any portion of your district, the general is particularly desirous that no one should be mustered into service "about whose loyalty to the National Government there is the shadow of a doubt."~~

~~Very respectfully, your obedient servant,~~

~~RICHD. C. DRUM,
Assistant Adjutant-General.~~

~~HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 31, 1861.~~

~~Messrs. B. J. PINGREE, GEORGE H. BELDEN, and others,
Eugene City, Lane County, Oreg.:~~

~~GENTLEMEN: I am directed by the general commanding the department to acknowledge the receipt of your communication of the 22d instant, and to say in reply that the commander of the District of Oregon has been authorized, should there exist a necessity for so doing, to muster into service a sufficient volunteer force for the protection of the~~

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OPERATIONS ON THE PACIFIC COAST.

[CHAP. LXII.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., May 22, 1862.

GEORGE M. HANSON, Esq.,
Superintendent of Indian Affairs,
Northern District of California, San Francisco, Cal.:

SIR: I have this moment received your communication of the 21st instant, together with the letter from the judge of the county court of Del Norte, addressed to you. I have previously given orders for the company now at Fort Ter-Waw to prepare to move to the new reservation which you have selected on Smith's River, and I was only waiting until such number of Indians should be assembled there as would render necessary the presence of troops. I will thank you to let me know what number of Indians are now on the Smith's River Reservation, and whether all those which were near Ter-Waw have been removed.

Very respectfully, your most obedient servant,

G. WRIGHT,
Brigadier-General, U. S. Army, Commanding.

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HEADQUARTERS DEPARTMENT OF THE PACIFIC,

San Francisco, Cal., May 24, 1862.

GEORGE M. HANSON, Esq.,
Superintendent of Indian Affairs,
Northern District of California, San Francisco, Cal.:

SIR: I have received your letter of the 23d instant with inclosures. I will send up orders by Col. F. J. Lippitt, who is temporarily in this city, for posting a company of troops between Crescent City and the reservation. I have had several applications made to me for troops at various points, and the reasons advanced are that the men have gone to the mines and left the women and children to the mercy of the Indians. A very poor argument. There is either no danger from Indians or the men who will thus abandon their wives and little ones for the gold fields deserve death.

With great respect, your obedient servant,

G. WRIGHT,
Brigadier-General, U. S. Army, Commanding.

From War of Rebellion Records
Series 1, Vol. 50, Pt. 1, pp. 1165-1166, 1897.

Headquarters [1165
Department of the Pacific,
San Francisco, Cal.,
June 28, 1862.

Col. Francis J. Lippitt,
Second Infantry California Volunteers,
Commanding District of Humboldt,
Fort Humboldt, Cal.

Sir: The general commanding the
department desires the whole of Cap-
tain Stuart's company concentrated
at Camp Lincoln. All the [movable [1166
property at Ter-Waw will be taken to
that camp. The supplies for Camp Lin-
coln will be landed at Crescent City
and transported thence by land.

Very respectfully, your obedient
servant,

R. C. Drum,
Assistant Adjutant-General.

mutual agreement between these two officers, and I beg to assure you that whatever they may conjointly agree upon in this matter I shall be prepared to confirm.

I must, sir, in conclusion, take this opportunity to express what pleasure I have derived from the very cordial and friendly feeling which had existed between the troops of the two Governments during the time of the joint occupation, and I have on all occasions received from Captain Bazalgette the assurance of having always experienced the utmost courtesy and friendliness on the part of Captain Pickett.

I have the honor to be, sir, your obedient servant,

JOHN D. S. SPENCER,
Captain and Senior Officer.

HEADQUARTERS,

Fort Steilacoom, Wash. Ter., January 25, 1861.

Capt. JAMES A. HARDIE,

3d Arty., Actg. Asst. Adjt. Gen., Fort Vancouver, Wash. Ter.:

CAPTAIN: The copies of communications from Acting Governor McGill and others relating to Indian affairs on the Sound have been received. I have the honor to report as follows: Early in December last a man by the name of Ferguson, living near the mouth of the Skokomish, reported to me that a white man had been killed by an Indian. He informed me that the Indian agent, Mr. Simmons, was then at the reservation, near the mouth of that river. I told him that it was the duty of the agent to make an official report to me of an occurrence that would require military aid, but that I would attend to it. The Massachusetts being about to proceed to San Juan Island with Lieutenant Casey, of the engineers, and a surveying party, I directed that she should go by the way of the Skokomish River. I directed Lieutenant Casey to confer with the agent and investigate the matter so far as he was able. It appears that a white man by the name of Carter living near the mouth of the Skokomish was killed by an Indian by the name of Paemps, with the assistance of one of his sons, who was known by the name of Charley. The agent informed Lieutenant Casey that he did not think that any of the other Indians had anything to do with it, and that 100 or more of them were hunting up the murderers, and furthermore that he thought it not best for the troops to interfere, as it would tend to frighten the Indians. Paemps and his son have frequently been at this post, and I know them; he is half Klickitat and half Skokomish, the latter one of the tribes on the Sound. He has been a priest and preacher among the Indians for some time, but of late has taken to drink and lost much of his influence among them. It is the general opinion that his desire not to be considered a kultus fellow has induced him to commit this murder. I endeavor to impress upon the Indians with whom I come in contact the necessity of taking the murderers, and I am confident they will do so if possible. I inclose the copy of a communication which I received from Mr. Simmons, late agent. I received not long ago a petition signed by twenty-four citizens of White River, setting forth that they feared an outbreak of the Indians. I dispatched Lieutenant Alexander, of the engineers, with two men to visit the settlements on the Puyallup and White River, and to inquire into the foundation of the report. Lieutenant Alexander reported that so far as he could learn there was no good cause for the alarm, and that the settlers appeared to be satisfied; also that most of

their fears were not well founded. A report taken by the mail rider from Steilacoom to Seattle was the principal cause of the alarm. I have information from the Indian agents at Nisqually, Bellingham Bay, and Puyallup, and the agent for Muckleshoot, which is a short distance above the White River settlement, called upon me in person. Their united testimony is that there is no cause to fear an outbreak among the Indians. I concur in that opinion. These Indian rumors on the Sound have not escaped my attention, and had I considered them of sufficient importance to trouble the headquarters of the department it would have been reported before.

Very respectfully, your obedient servant,

SILAS CASEY,
Lieutenant-Colonel Ninth Infantry, Commanding Post.

P. S.—The interest of the service, in my opinion, requires that the two companies at this post should be filled up. I have no troops to spare for any detached service, should they be required, as for several months past there have been hardly sufficient men here to perform properly the duties of the post.

S. C.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., January 26, 1861.

Maj. W. W. MACKALL,
Asst. Adj. Gen., Hdqrs. Dept. of the Pacific, San Francisco:

SIR: Your letter of the 15th instant, inclosing Orders, No. 1, from the headquarters Department of the Pacific, reached me on the 23d instant. The order has been distributed within the district. For a view of the condition of the troops, the state of the Indian relations, and of the movements in contemplation in the late Department of Oregon, I request that reference may be had to my letters and reports to Army headquarters, copied in the department letter book from page 132 forward. The letter and order books are sent by express by the steamer which conveys this. The condition of the pay, quartermaster, and subsistence departments is exhibited by the accompanying reports of Majors Alvord and Babbitt. The papers likewise for the quartermaster and subsistence departments for the last quarter of 1860, required by paragraph 950, Regulations 1857, are forwarded to the chiefs of those bureaus at Washington through the headquarters of the department, in order to afford the department commander an opportunity to obtain from them such information as they may afford. A copy of the department return for November and an unfinished return for December, on which are consolidated all the posts heard from for December, are inclosed. The department return due from the Department of Oregon for December it is proposed to complete here when Fort Colville and Camp Pickett shall have been heard from. Paymaster Winston's abstracts for November and December, 1860, are likewise transmitted. Two packages of papers for action of department commander are sent herewith, with explanatory memoranda indorsed. A letter from Lieutenant Casey and map* (the latter put in the letter book for safe carriage) accompany this. Captain Pickett was promised a copy of the map. I ought to state that a letter to Captain Spencer, Royal Navy, of December 20 (see letter book, page 222), remains unanswered. It is believed

* On file in office of the Chief of Engineers.

TERRITORY OF WASHINGTON, EXECUTIVE OFFICE,
Olympia, July 20, 1861.

Col. G. WRIGHT,
*Ninth Infantry, U. S. Army,
Commanding Fort Vancouver, Wash. Ter.:*

SIR: Herewith I have the honor to transmit to you a copy of a correspondence between this office and that of the superintendent of Indian affairs relative to difficulties apprehended by the settlers in the vicinity of Gray's Harbor with the neighboring Indians. The superintendent recommends that a small detachment of troops be stationed at Fort Chehalis, and I have respectfully to urge that this may be done at as early a day as possible.

I am, sir, very respectfully, your obedient servant,

HENRY M. MCGILL,
Acting Governor.

[Inclosure No. 1.]

TERRITORY OF WASHINGTON, EXECUTIVE OFFICE,
Olympia, July 20, 1861.

Hon. W. W. MILLER,
Superintendent of Indian Affairs, Olympia, Wash. Ter.:

SIR: Herewith I inclose a petition addressed to the Governor of this Territory by citizens of Gray's Harbor and vicinity, asking that regular troops or militia be immediately ordered there for the protection of settlers from the neighboring Indians. I also inclose seven affidavits on the same subject. The petitioners and affiants state that in consequence of the withdrawal of the troops from Fort Chehalis the savages have assumed an attitude of hostility, and in some cases have caused the settlers to abandon their farms. Great fears are entertained of further violence. These papers are respectfully referred to you.

I am, sir, your very obedient servant,
C. D. EMORY,
Second Lieutenant, Ninth Infy., Comdg. Detachment at Chehalis.

WAR DEPARTMENT,
August 17, 1861.

Capt. R. L. OGDEN,
Quartermaster, San Francisco, Cal.:

Make all proper arrangements, including transportation, for the expedition. Be ready in time for the movement of forces.

THOMAS A. SCOTT,
Assistant Secretary of War.

WAR DEPARTMENT,
Washington, D. C., August 17, 1861.

Capt. R. L. OGDEN,
Quartermaster, San Francisco, Cal.:

SIR: I have this day forwarded you a dispatch by telegraph and by pony express, requesting that you will make all proper arrangements,

200 stand of arms for the purpose of arming in an emergency those citizens in Nevada Territory favorably disposed to our Government.

Very respectfully, your obedient servant,
 RICHD. C. DRUM,
Assistant Adjutant-General.

U. S. FLAG-SHIP LANCASTER,
Harbor of Acapulco, July 19, 1861.

Brig. Gen. E. V. SUMNER,
*Comdg. the Pacific Mil. Div. of the United States,
 San Francisco, Cal.:*

GENERAL: Your communication dated July 10 and inclosure has just been received. I scarcely need to assure you of my earnest desire and readiness to co-operate with you (to the extent of the means at my disposal) in counteracting the supposed designs of secessionists against Lower California, and for all other objects touching the honor and interests of our Government. I am now en route with the Lancaster to Panama, where I shall meet dispatches from the Navy Department, possibly, instructing me in regard to future operations. In the meantime I have directed the commanders of the steamers Wyoming and Narragansett and sloop of war Cyane, detailed for service along the coasts of California and Mexico for the protection of mail steamers, &c., to afford you all required aid and co-operation in carrying out the views of the Government (within the limits of their assigned duties) along the coasts and in the Gulf of California.

I have the honor to be, sir, respectfully, your obedient servant,
 J. B. MONTGOMERY,
Flag-Officer, Commanding Pacific Squadron.

request that reference may be had to my letters and reports to Army headquarters, copied in the department letter book from page 132 forward. The letter and order books are sent by express by the steamer which conveys this. The condition of the pay, quartermaster, and subsistence departments is exhibited by the accompanying reports of Majors Alvord and Babbitt. The papers likewise for the quartermaster and subsistence departments for the last quarter of 1860, required by paragraph 950, Regulations 1857, are forwarded to the chiefs of those bureaus at Washington through the headquarters of the department, in order to afford the department commander an opportunity to obtain from them such information as they may afford. A copy of the department return for November and an unfinished return for December, on which are consolidated all the posts heard from for December, are inclosed. The department return due from the Department of Oregon for December it is proposed to complete here when Fort Colville and Camp Pickett shall have been heard from. Paymaster Winston's abstracts for November and December, 1860, are likewise transmitted. Two packages of papers for action of department commander are sent herewith, with explanatory memoranda indorsed. A letter from Lieutenant Casey and map* (the latter put in the letter book for safe carriage) accompany this. Captain Pickett was promised a copy of the map. I ought to state that a letter to Captain Spencer, Royal Navy, of December 20 (see letter book, page 222), remains unanswered. It is believed

* On file in office of the Chief of Engineers.

necessity for the movement of troops within your district, whether of a temporary or permanent character, is left discretionary with yourself. The general wishes you to make such disposition of the force under your command as will best secure protection to the inhabitants against Indian incursions. While he hopes that this force will enable you to accomplish the purpose desired, yet, should you find it insufficient you will avail yourself of the authority granted in a former letter to call into service volunteers, either from Oregon or the Territory of Washington.

Very respectfully, your obedient servant,
 RICHD. C. DRUM,
Assistant Adjutant-General.

CAMP CHEHALIS, WASH. TER., August 16, 1861.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of Oregon:

SIR: I have the honor to report to you by the first opportunity that offers itself of the safe arrival of my command at this post yesterday, the 15th instant, at 12.30 p. m. Up to the time of writing (9 a. m.) the Indian agent has not arrived. I will await his arrival here and learn his wishes about the disposal of my command, and will report to you accordingly. Until the arrival of the Indian agent I cannot furnish any reliable information of the number and character of the Indians on the reservation, which is on the north side of Gray's Harbor. The Indians in the immediate vicinity of Camp Chehalis do not number more than thirty—men, women, and children. The rest of the tribe are at Chinook and Shoal Water Bay, about fifty more. They are peaceable in character. The place selected for the establishment of the agency is about thirty-five miles north of this post. The Indians there are more numerous.

I am, sir, your very obedient servant,

C. D. EMORY,
Second Lieutenant, Ninth Infty., Comdg. Detachment at Chehalis.

WAR DEPARTMENT,
 August 17, 1861.

Capt. R. L. OGDEN,
Quartermaster, San Francisco, Cal.:

Make all proper arrangements, including transportation, for the expedition. Be ready in time for the movement of forces.

THOMAS A. SCOTT,
Assistant Secretary of War.

WAR DEPARTMENT,
 Washington, D. C., August 17, 1861.

Capt. R. L. OGDEN,
Quartermaster, San Francisco, Cal.:

SIR: I have this day forwarded you a dispatch by telegraph and by pony express, requesting that you will make all proper arrangements,

including transportation, for the expedition to be commanded by General Sumner, and that you will be ready in time for the movement of forces.

Very respectfully, your obedient servant,

THOMAS A. SCOTT,
Assistant Secretary of War.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 19, 1861.

Lieut. Col. E. D. TOWNSEND,
*Assistant Adjutant-General, U. S. Army,
Headquarters of the Army, Washington, D. C.:*

COLONEL: I have received your letter of the 23d ultimo in relation to the arms. They had been privately shipped a week before I got your letter. I sent a detachment of a captain and thirty men with them as far as Panama, and I confided them particularly to the naval officer at Aspinwall. I inclose a copy of my letter to him.

Very respectfully, your obedient servant,

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 8, 1861.

Capt. EDWARD W. CARPENDER,
Commanding U. S. Ship Falmouth, Aspinwall:

SIR: Captain Wallen with his company leaves in the Sonora to-morrow in charge of 30,000 stand of arms, which have been ordered to be sent from this department to New York immediately. As these arms would be a double loss to the Government if they should be captured, I would respectfully and earnestly ask your co-operation in this affair. Although it is highly important that no time should be lost in the transmission of these arms, it is still more important that they should go safely. I am not sure that in the absence of orders you may not think it advisable to send them in a Government ship or immediately under convoy. The security of these arms is so vitally important that I am confident the Government will approve of any measures you may think proper to take to insure it.

Very respectfully, your obedient servant,

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 19, 1861.

Capt. JOHN W. DAVIDSON,
*First Regiment of Dragoons, U. S. Army,
Commanding Camp Fitzgerald, near Los Angeles, Cal.:*

SIR: In compliance with the recommendation contained in your letter of the 13th instant, the general commanding the department has this day directed the ordnance officer at Benicia Arsenal to invoice to you 150 muskets with 6,000 rounds of ball ammunition. The general desires you to be particularly careful into whose hands these arms are

Indian chiefs at that place to engage in hostilities against the whites. The chiefs Blan-a-har and Tim-e-tos are said to be the prime movers. The first-named should properly have been executed in '56. On reaching the Cascades acquaint yourself with the condition of affairs and exercise your judgment how to act. If you are satisfied that these chiefs or any Indians in that quarter have already committed any hostile acts, or have by word or deed been endeavoring to persuade the Indians to commit aggressions, seize them all, and execute summary punishment on the guilty. Captain Van Voast will be at the Cascades on Friday morning and act under your orders. Let me know by every steamer the state of affairs at the Cascades. It is probable that before the end of the month I shall withdraw yourself and command, leaving Captain Van Voast in charge. Lieutenant Wildrick will turn over to you a box of 15 rifles and 500 cartridges, which you can place in the hands of Colonel Ruckel and Mr. Olmstead for defense of the depot of the Oregon Steam Navigation Company, those gentlemen receipting for the same.

Very respectfully, your obedient servant,

G. WRIGHT,
Colonel Ninth Infantry, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, August 21, 1861.

Brigadier-General SUMNER,

Commanding Department of the Pacific, San Francisco, Cal.:

SIR: In reply to your letter of the 24th July, the General-in-Chief directs me to say let Captain English remain in command of San Juan Island for the present.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

CAMP FITZGERALD, CAL., August 21, 1861.

Capt. RICHARD C. DRUM,

Assistant Adjutant-General:

CAPTAIN: Yesterday it became known through this camp that I was to be relieved in command here by Captain Smith, First Dragoons. This information was written here by Major Carleton. It was calculated to do harm in three ways. First. That troops are apt to relax in their attention to duties pending a change of commanders. Second. That if I was disposed to yield to a feeling of mortification, consequent upon getting information of the change in this way, it might discourage me in the ready prosecution of my own duties. Third. That our Union citizens here, with whom I have established harmonious and intelligible relations, might lose confidence in me from this report, not knowing the general's good reasons. My own self-respect teaches me that it would be better if the general's intentions with regard to this command became known through his orders, and that every officer becoming possessed of the designs of his superiors should have reticence enough (particularly now) to keep them to himself and not make them the subject of gossip. I shall work, captain, even under this rumor, with the

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same hearty good will, to be able to turn over to Captain Smith a command that he may find efficient, and I have no feeling about the proposed change, only about its mode of communication.

With high respect, I am, your most obedient servant,
JNO. W. DAVIDSON,
Captain, First Dragoons, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 22, 1861.

Brig. Gen. LORENZO THOMAS,
Adjutant-General, Washington, D. C.:

GENERAL: In raising the volunteers from this State I found it indispensably necessary, for economy as well as efficiency, to have a cavalry officer of experience and ability to command the five companies of cavalry. There was no suitable man to be found out of the Army, and at my request the Governor has given the commission of lieutenant-colonel of cavalry to Lieut. B. F. Davis, of the First Dragoons. I have known this young officer since he entered the Army, and I know him to be one of the best officers in it. He is from the South, but a firm loyalist to the Government. I would respectfully ask the sanction of the War Department to this appointment.

Very respectfully, your obedient servant,
E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

SPECIAL ORDERS, } HDQRS. DEPARTMENT OF THE PACIFIC,
No. 152. } *San Francisco, August 22, 1861.*

The companies of California Volunteer Infantry already mustered into service will on Saturday, the 24th instant, be moved into camp at such point near San Antonio Landing, Contra Costa, as may be selected by Captain Kirkham, assistant quartermaster. The other companies will, as they are mustered in, be moved to this camp. The quartermaster's department will furnish the necessary transportation.

By order of Brigadier-General Sumner:

RICHD. C. DRUM,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 22, 1861.

Hon. R. E. STRATTON,
Eugene City, Lane County, Oreg.:

SIR: In reply to your letter of the 15th instant I am instructed by the general commanding the department to inform you that the detachment of troops now at Umpqua will not be removed. In consequence of our national difficulties, the general has been compelled to draw from the District of Oregon a large portion of the regular force. In doing this he was not unmindful of the exposed condition of the remote settlements in California, Oregon, and Washington, and to secure their complete protection delegated to Colonel Wright authority to call out a sufficient volunteer force to suppress any outbreak on the part of

the Indians. Should the threatened disturbances in the north warrant it, he has been directed to muster into service a volunteer force immediately.

Very respectfully, your obedient servant,
RICHD. C. DRUM,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 23, 1861.

Lieut. Col E. D. TOWNSEND,
Asst. Adjt. Gen., Headquarters of the Army, Washington:

SIR: I have the honor to inform the General-in-Chief that, in consequence of threatened disturbances among several Indian tribes in the District of Oregon, I have Directed Colonel Wright, the commander thereof, whenever in his opinion it is necessary, to muster into service a sufficient volunteer force for the suppression of any outbreak. This force I have directed shall be placed under the command of an officer of the Regular Army, to be selected by Colonel Wright. It would be hazardous at this time to reduce the regular force in this State, and I am therefore compelled to rely upon State troops to give the necessary protection to our frontier settlements.

Very respectfully, your obedient servant,
E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

SPECIAL ORDERS, } HDQRS. DEPARTMENT OF THE PACIFIC,
No. 153. } *San Francisco, August 23, 1861.*

1. The camp directed to be established near San Antonio, Contra Costa, will be known as Camp Downey.

* * * * *

By order of Brigadier-General Sumner:

RICHD. C. DRUM,
Assistant Adjutant-General.

FORT CASCADES, WASH. TER., August 23, 1861.

Lieut. A. C. WILDRICK,
*Third Artillery, Acting Assistant Adjutant-General,
Hdqs. District of Oregon, Fort Vancouver, Wash. Ter.:*

LIEUTENANT: I have the honor to report that in obedience to Special Orders, No. 28, from headquarters District of Oregon, of August 21, 1861, and in accordance with instructions from same source and date, I arrived at this post with my command about 4 p. m. on the 21st instant. I immediately took steps to acquaint myself with the condition of affairs in this vicinity. I've seen all the white settlers in the immediate vicinity of this post, and have had a conversation on the subject separately with them; have been unable to find out anything of a definite character. All seemed to be rumor, and to come from a friendly Indian or Indians who were under the influence of liquor, and stated that Indians were going to war again; that they expected the Cascades would be attacked. All this about a week ago, and as they

had been here in the difficulty of 1856, they had no desire or wish to be again if the place was attacked, so they intended to leave and go down the river near Vancouver. The people were evidently alarmed, and from what I can gather were much more so about a week ago than at the time of my arrival. The general impression here, as far as I am able to learn, is that propositions have been made to the Cascade Indians to join in a war against the whites and attack the Cascades. The proposition, I am told, was made by Tim-e-tos whilst under the influence of liquor and on a visit to the Portage (Oregon side). He then returned to the Klickitat country without going to Oregon City, as was reported. Blan-a-har denies all knowledge of such propositions or that an attack is to be made, and says he will give information of anything of the kind as soon as he hears it; that he has not forgotten the good advice given him by Colonel Wright several years ago. The impression seems to have been that an attack would have been made had not their plans become known and from the fact that Colonel Wright acted so promptly in the matter. The arrival of my command has evidently had a very good effect upon the Indians and allayed the excitement amongst the whites. I have seen but two persons who reside at the Upper Cascades, and they tell me an attack was apprehended up there about a week ago, but now there seemed to be little or no fear of it, at least for the present. I can hear of no strange or other Indians in the mountains on this side of the river nearer than the berry patch in the Klickitat country, about twenty-five miles up Wind River, where many Indians usually resort for berries about this season of the year. I hear of some Indians at the berry patch on the mountains opposite here, but the report received was not very definite. Upon the arrival of Captain Van Voast with his company I hope to be able to find out something more definite. I expect two Indians from the Oregon side of the Portage this morning and hope to get some information by which I can act promptly and with effect.

Very respectfully, your obedient servant,

H. M. BLACK,

Captain, Ninth Infantry, Commanding Detachment.

[Inclosure.]

AUGUST 23, 1861—12.45 p. m.

Colonel WRIGHT, U. S. Army,
Commanding District of Oregon:

Mr. Attwell informs me that certain rumors have been afloat that the upper country Indians were in the huckleberry patch, ready at short notice to make an attack on the settlers of the Cascades. This report was gotten up by Indians who were intoxicated, and he believes that it is not so, although he has no doubt but that Indian spies often come here to get these Indians to join them; but the Cascade tribe say that they are not willing to join them for fear that the soldiers will hang them as they did before in the year of 1856. Also that the excitement had been very great here, causing families to leave for Portland and The Dalles for protection, but that he believes that at present there is but little or no danger.

AUGUST 23, 1861—1 p. m.

The steamer is in sight, and having seen Mr. Attwell from the Oregon side—Upper Cascades—he has written the above, which I hasten to send over to the steamer that the colonel may receive it with my report

of to-day. Mr. Attwell has lived here since 1852. I send this report to the colonel in this irregular way as I have no time to copy it before the steamer leaves, and am anxious that it should be received to-day.

Very respectfully, your obedient servant,

H. M. BLACK,

Captain, Ninth Infantry, Commanding Detachment.

FORT CASCADES, WASH. TER., August 23, 1861.

Lieut. A. C. WILDRICK,

Third Artillery, Acting Assistant Adjutant-General,

Headquarters District of Oregon, Fort Vancouver, Wash. Ter.:

LIEUTENANT: I have the honor to report that Captain Van Voast, Ninth Infantry, with his company (K), forty enlisted men, joined me at this post about 2.30 o'clock to-day. He reports to me that more than "one non-commissioned officer and ten men" were kept back at Fort Dalles, Oreg., by Bvt. Lieut. Col. R. C. Buchanan, major Fourth Infantry, commanding that post. For the information of the colonel commanding I inclose herewith a copy of the order keeping these men at Fort Dalles, Oreg.

Very respectfully, your obedient servant,

H. M. BLACK,

Captain, Ninth Infantry, Comdg. U. S. Troops at Cascades.

[Inclosure.]

SPECIAL ORDERS, }
No. 11. }

FORT DALLES, OREG.,

August 22, 1861.

I. In obedience to Special Orders, No. 28, from headquarters District of Oregon, August 20, 1861, Capt. James Van Voast, Ninth Infantry, will immediately proceed with his company to the Cascades and report to Capt. H. M. Black, Ninth Infantry.

II. Captain Van Voast will leave a non-commissioned officer and ten men at this post in addition to the sick, hospital cook, and general prisoners undergoing sentence.

III. The assistant quartermaster will furnish the necessary transportation.

By order of Brevet Lieutenant-Colonel Buchanan:

ROBT. N. SCOTT,

Second Lieutenant, Fourth Infantry, Post Adjutant.

HEADQUARTERS,

Camp Fitzgerald, Cal., August 24, 1861.

~~Capt. R. C. DRUM,~~

~~Assistant Adjutant-General:~~

~~CAPTAIN: Your letter of August 19, stating that 150 stand of arms have been ordered to be shipped to me, has just been received. No man will get a musket from me except he be a member of the home guard, and takes the oath of allegiance to the United States. The invitation inclosed shows the willingness to take the oath.~~

~~I am, captain, your most obedient servant,~~

~~JNO. W. DAVIDSON,~~

~~Captain of First Dragoons, Commanding.~~

[Inclosure.]

LOS ANGELES, August 24, 1861.

Capt. J. W. DAVIDSON,
First Dragoons, U. S. Army:

CAPTAIN: The members of the home guard will convene at their armory this evening at 8 o'clock for the purpose of taking the oath, &c. If convenient we would be pleased to have your presence upon the occasion.

Very respectfully, yours,

A. B. HAYWARD,
Chairman of Committee.

HEADQUARTERS,
Camp Fitzgerald, Cal., August 24, 1861.

Capt. R. C. DRUM,
Assistant Adjutant-General, San Francisco:

CAPTAIN: I report that I have changed the position of my camp (no farther from Los Angeles, however), to better ground and nearer the water, the advantages beside of having less dust to annoy men and horses, and change of scene. The camp is also in more compact shape. The horses of the squadron since being in camp have deteriorated at least 20 per cent. in spirit, flesh, and general fitness for service, owing to their being fed in nose bags and tied to the picket-lines during the day, exposed to the scorching sun. I have had troughs built at the lines and the spare paulins in the quartermaster's department stretched on frames over the horses, and expect to show a marked change in them for the better. Dispensing with drills now and then and encouraging the men to play at football and to bathe at those times has had good effect. They seem to wear a more cheerful air, and the number of desertions has diminished. Arrangements have been made with the Catholic bishop of this diocese to hold divine service in camp every alternate Sunday. This will have effect with the native Californians and show them that they and the troops have a common sympathy upon this ground. The vicar-general (Father Rabo) assures me and authorizes me to use his name to the general, that the greater proportion of the Californians are friendly to the Government, and that the ideas to the contrary which have been entertained about those of this county are groundless.

I am, sir, your most obedient servant,

JNO. W. DAVIDSON,
Captain, First Dragoons, Commanding.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., August 24, 1861.

Capt. H. M. BLACK,
Ninth Infantry, Comdg. U. S. Troops at Cascades, Wash. Ter.:

CAPTAIN: I have received your reports of yesterday. Make a thorough examination of the country and the Indians at and about the Cascades. Unless there should be a necessity for your remaining at the Cascades I shall order you down the latter part of next week, and in that event Captain Van Voast will remain for the present with his company, garrisoning both extremes of the line. Captain Van Voast

~~men in your command. It is not right that any man should draw his bread from a Government that he is denouncing, and no man with any pride would do it. I am no alarmist, but at this moment there is a high responsibility resting upon you and myself, and I wish to inform you that I have the means of making all Government property in this State perfectly safe, and I am ready and willing at all times to give you any assistance that you may require.~~

Very respectfully, your obedient servant,

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS,
San Bernardino, Cal., August 26, 1861.

ASSISTANT ADJUTANT-GENERAL, U. S. Army,
Headquarters Pacific Department, San Francisco, Cal.:

SIR: Companies D and G reached this place yesterday. Companies A and F encamped at the Old Mission, about twenty-five miles from New San Pedro, on the 24th instant, and should reach this place on the 28th instant, if nothing happens to prevent. There are no vacant buildings to be rented for quarters for either officers or soldiers in this town. This command is very much in want of a physician, as well as company officers. Please furnish both as soon as practicable.

Respectfully, your obedient servant,

W. SCOTT KETCHUM,
Major Fourth Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 26, 1861—3.40 p. m.

Col. GEORGE WRIGHT,
Commanding District of Oregon:

On the arrival of Col. B. L. Beall, turn over your command to him and repair to this place as soon as possible. You will probably be here for some time. Colonel Beall goes up in the boat to-morrow. Order Lieutenant-Colonel Buchanan with the headquarters of his regiment to repair here immediately.

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., August 26, 1861.

Col. GEORGE WRIGHT,
Comdg. Dist. of Oregon, Fort Vancouver, Wash. Ter.:

SIR: The general commanding the department desires you, in turning over the command of the District of Oregon to Colonel Beall, to inform him very generally regarding Indian affairs within the district, and particularly with regard to all matters pertaining to the occupancy of San Juan Island.

Very respectfully, your obedient servant,

RICHD. C. DRUM,
Assistant Adjutant-General.

FORT CASCADES, WASH. TER., *August 26, 1861.*

Lieut. A. C. WILDRICK,
*Third Artillery, Acting Assistant Adjutant-General,
 Hdqrs. District of Oregon, Fort Vancouver, Wash. Ter.:*

LIEUTENANT: I have the honor to report that since my letter of the 23d instant I have used my best endeavors to find out something of a more definite character to report to the colonel commanding. The Indians on the Oregon side of the river, of whom I spoke in my last, I was not able to see that day. So the next day I sent Captain Van Voast over to Oregon side of the Cascades with orders to make a thorough investigation into the condition of affairs on that side. Inclosed herewith you will please find his report, which goes to corroborate principally what I found out on this side of the river in my examination from the Lower to the Upper Cascades. It was reported to me that quite a number of strange Indians were at the berry patch on the south side of the river; so to satisfy myself I told Blan-a-har that I wanted him to go up to that patch and see if there were any Indians there or in the vicinity; if so, to find out their number, to what tribes they belonged, and to bring in to me the heads of each tribe. If he saw no Indians, to examine the ground closely for signs, either fresh or old, and that I wanted him to be back last night and let me know the result. He returned last night about 9 p. m. according to promise, and reported that there were no Indians to be found or seen, nor could any signs of any be seen, and that he does not think the Indians have been there this season; that the berries are about half ripe. I told him before I sent him out that if he deceived me in any way I would hang him, and I also told him the same thing on his return and before he made his report. From all I can learn I am convinced that the matter of an attack was talked over by some strange Indians and those of the Cascades, or at least some of the latter, and that the arrival of troops at this point has evidently frustrated their plans for the present at least, if they had any fixed ones.

Very respectfully, your obedient servant,

H. M. BLACK,
Captain, Ninth Infantry, Commanding U. S. Troops at Cascades.

[Inclosure.]

FORT CASCADES, WASH. TER., *August 25, 1861.*

Capt. H. M. BLACK,
Commanding Troops, Fort Cascades, Wash. Ter.:

CAPTAIN: I have the honor to report that in accordance with your instructions I visited the Upper and Lower Cascades, on the Oregon side, and by inquiry endeavored to ascertain upon what foundation were based the rumors of an apprehended Indian attack. It appears that an old Indian woman some eight or ten days since told Mrs. Attwell, living at the Upper Cascades, that strange Indians had been talking to the Cascade Indians of an attack, but that the latter would not join them. She added that in case of danger she would give timely warning to Mrs. Attwell. About this same time an Indian called Jim, under the influence of liquor, and just at dark, came to Mr. Attwell's house, and told Mr. and Mrs. Attwell that they must be careful; that strange Indians were in the mountains; that they might attack the Cascades; stating also that he would inform them in time of the danger. I visited the house of an Indian called Gabriel, at which place I saw

the old Indian woman referred to above, but I was unable to elicit any information in confirmation of the story attributed to her; neither could I learn from them anything in relation to strange Indians or an apprehended attack. It appears that Gabriel had been told, or imagined, that you were thinking of hanging him, and seemed to be very much frightened. Indian Jim, referred to above, is absent now from the Cascades, and I therefore could not see him, but I am informed that he has since been questioned in relation to his first story, and that now he denies having told it. Mrs. Attwell is also absent from the Cascades, and I therefore could not see her. I will also here add that some alarm has been caused by the unusually large number of strange Indians reported as passing up and down, and as having much powder and lead. The arrival of troops has quieted entirely the fears of all.

I have the honor to be, sir, your obedient servant,

JAMES VAN VOAST,
Captain, Ninth Infantry.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,

San Francisco, August 27, 1861.

~~His Excellency J. G. DOWNEY,~~

~~Governor of California, Sacramento:~~

GOVERNOR: I regret very much that you do not find it convenient to come to this city. From the orders that I have received no time can be lost in raising the 5,000 volunteers required from this State. I wish much to confer with you about this matter. I deem it very important that officers of the Army should be selected to command the regiments; the other field officers can be selected from civil life, and no man, officer or soldier, will be mustered into service about whose loyalty to the National Government there is the slightest doubt.

I am, Governor, very respectfully, your obedient servant,

E. V. SUMNER,
Brigadier-General, U. S. Army.

SPECIAL ORDERS, }
 No. 156. }

HDQRS. DEPARTMENT OF THE PACIFIC,

San Francisco, August 27, 1861.

* * * * *

2. The companies raised for the regiment of infantry and battalion of cavalry California volunteers, for the service on the Overland route, will hereafter be mustered into service at Camp Downey, Contra Costa.

* * * * *

By order of Brigadier-General Sumner:

RICHD. C. DRUM,
Assistant Adjutant-General.

FORT YUMA, CAL., *August 27, 1861.*

COMMANDING OFFICER, U. S. Army,
Los Angeles, Cal.:

SIR: You will please telegraph the substance of the inclosed communication to the commanding general of the department and request him to send at least two companies of infantry to strengthen this point

as soon as practicable. I would respectfully suggest they be sent by steamer to the mouth of the Colorado River, on account of it being the most expeditious, besides there being a scarcity of water on the desert. You will please forward the inclosed communication to department headquarters.

Very respectfully, your obedient servant,

GEO. ANDREWS,
Lieutenant-Colonel Sixth Infantry, Commanding Post.

[Inclosure.]

PIMA VILLAGES, August 23, 1861.

Lieut. Col. GEORGE ANDREWS,
Sixth Infantry, Commanding Fort Yuma:

SIR: Inclosed please find Mesilla papers, containing full accounts of the proceedings of the rebels in Eastern Arizona. You will see that they have possession of the entire Territory. Twenty of their troops are at Tucson now and 100 more expected in a very few days. The following is an extract from a letter received from the mail agent at Tucson:

The mail between Tucson and Mesilla will stop for the present, as the country is under martial law.

In case of any demonstration in this direction I will promptly forward the earliest information.

Very respectfully, your obedient servant,

A. M. WHITE.

We are out of postage stamps, or I should send in the mail.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 27, 1861.

Col. GEORGE WRIGHT,
Ninth Inftry., Comdg. Dist. of Oregon, Fort Vancouver, Wash. Ter.:

SIR: The general commanding the department desires that fifteen wagon mules and all the clothing and camp equipage on hand at Fort Steilacoom, after deducting a supply for six months for the troops on Puget Sound, to be sent down on the Massachusetts. The Massachusetts will be sent to Fort Vancouver in time to meet the mules ordered down from Walla Walla, which she will take on board and come to this city. All the wagons, wagon mules, and harness at Fort Vancouver not required at the post, and all the clothing and camp equipage not required for the troops at that post and Forts Hoskins and Yamhill, after deducting a supply at each place for six months, to be sent down in the Massachusetts. All the wagons, wagon mules, and harness at Fort Dalles not required for the post, and all the clothing and camp equipage on hand, after deducting a six months' supply for the troops at that post, will be sent to Vancouver to be forwarded to this city in the Massachusetts. The general hopes to see you here by the return steamer.

Very respectfully, your obedient servant,

RICHD. C. DRUM,
Assistant Adjutant-General.

Pacific, and that its political action will exercise a powerful, if not controlling, influence upon its neighbors at the North, imperatively demand that no precaution should be neglected to insure its fidelity. We need only appeal to the examples furnished by Missouri, and even Virginia, to show that the efforts of a comparatively small number of audacious and unscrupulous men are sufficient to precipitate an unwilling population into disunion, or at least to inaugurate civil war. If, unfortunately, from the causes we have mentioned, the secession minority in this State should obtain control, you will at once perceive with what power for mischief it would be armed, and how imminent is our danger. To retain a State in its allegiance is a thousandfold more easy than to overcome disloyalty affecting to act under State authority.

Nothing will more certainly check treasonable attempts than a conviction of their hopelessness. To deprive us of the military support of the Government at this time is to hold out a direct encouragement to traitors. We beg most earnestly to remind you that in our case an "ounce of preventive is worth a pound of cure."

Very respectfully yours,

Robt. C. Rogers, Macondray & Co., Jno. Sime & Co., J. B. Thomas, W. W. Stow, Horace P. James, Geo. F. Bragg & Co., Flint, Peabody & Co., Wm. B. Johnston, D. O. Mills, H. M. Newhall & Co., Henry Schmiedell, Murphy, Grant & Co., Wm. T. Coleman & Co., De Witt Kittle & Co., Richard M. Jessup, Graves, Williams & Buckley, Donohoe, Ralston & Co., H. M. Nuzlee, Geo. C. Shreve & Co., Peter Danahue, Kellogg, Hewston & Co., Moses Ellis & Co., R. D. W. Davis & Co., L. B. Benchley & Co., Wm. A. Dana, Jones, Dixon & Co., J. Y. Halleck & Co., Forbes & Babcock, A. T. Lawton, Geo. J. Brooks & Co., Jno. B. Newton & Co., Chas. W. Brooks & Co., James Patrick & Co., Locke & Montague, Janson, Bond & Co., Jennings & Brewster, Treadwell & Co., William Alvord & Co., Shattuck & Hendley, Randell & Jones, J. B. Weir & Co., B. C. Hand & Co., O. H. Giffin & Bro., Dodge & Shaw, Tubbs & Co., J. Whitney, jr., C. Adolphe Low & Co., Haynes & Lawton, J. D. Farrell, C. E. Hitchcock, Geo. Howes & Co., Sam. Merritt, Jacob Underhill & Co., Morgan, Stone & Co., J. W. Brittan, T. H. & J. S. Bacon, R. B. Swain & Co., Fargo & Co., Nathaniel Page, Stevens, Baker & Co., R. E. Brewster & Co., Tay, Brooks & Backus, Wm. Norris, E. H. Parker.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 28, 1861.

Capt. WILLIAM H. GARDNER,
Commanding Navy-Yard, Mare Island, Cal.:

CAPTAIN: I have received your letter of yesterday.* You are altogether mistaken in supposing that I wish to dictate to you in anything. I have an impression that you asked me in one of your letters some time since to give you any information I might receive that would be interesting to you. I did receive information, and from what I considered a reliable source, that there were several secessionists in Government employ at the navy-yard, and I certainly thought it was very

* Not found.

~~important that you should know of this report; for if it was true, I did not believe you would keep such people for an hour. You misunderstand me entirely. I have not the slightest apprehension that the Government will sustain any loss of property in California.~~

~~Very respectfully, your obedient servant,~~

~~E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.~~

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 28, 1861.

Col. WASHINGTON SEAWELL,
Sixth Regiment of Infantry, Comdg. Benicia Barracks, Cal.:

SIR: The general commanding the department desires you to move the company of infantry commanded by Lieutenant Upham, Sixth Infantry, from the ordnance building it now occupies, and place them in camp sufficiently near the arsenal building to give the necessary protection.

~~Very respectfully, your obedient servant,~~

~~RICHD. C. DRUM,
Assistant Adjutant-General.~~

FORT CASCADES, WASH. TER., August 28, 1861.

Lieut. A. C. WILDRICK,
Third Artillery, Acting Assistant Adjutant-General,
Hdqs. District of Oregon, Fort Vancouver, Wash. Ter.:

LIEUTENANT: Since my last report on the 26th instant I sent Captain Van Voast with a party to examine an old trail which comes into the river (Oregon side) at Eagle Creek. He started early in the morning, and followed said trail until all signs and traces of it disappeared, when he continued on until it became dangerous for himself and command to climb over the rocks, &c. He reports that he saw no signs of Indians, and thinks that neither white man nor Indian had ever been to the point hereached. I also started with a party the same morning and at the same time to examine the country lying to the north of this post and back of the Portage, on this side of the river. Mr. Jones, late sutler's agent at this post, and Mr. Hamilton kindly volunteered to accompany me, and I found them of great assistance. We followed the military road as far as the bridge; then turned to the left into the woods; followed an old wood road for about a mile, then struck into the woods without a trail, but by the compass nearly north, to strike a lake which lies back of the Upper Cascades, and after a very tiresome march over very high hills, covered with rocks, and through very thick underbrush, we succeeded in our object of reaching this Blue Lake. Saw no Indian signs whatever, and I think I may safely say that we were the first whites who had ever reached that lake, or chain of lakes, so high up from this side or end of the Portage, and it is a question if many, or any, Indians had ever done so. We then struck a trail and came to the river a short distance above Mr. Bradford's store, at the Upper Cascades, and got upon the military road at a lake near the Upper Cascades, thence back to this post. I have nothing further to add to my previous reports.

Very respectfully, your obedient servant,

H. M. BLACK,
Captain, Ninth Infantry, Commanding U. S. Troops at Cascades.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 29, 1861.

Col. W. SEAWELL,
Commanding Benicia Barracks, Cal.:

I wish you to encamp a company close to the new ordnance building and put a strong guard at the magazine.

E. V. SUMNER.

HEADQUARTERS,
Benicia Barracks, Cal., August 29, 1861.

ASSISTANT ADJUTANT-GENERAL,
Department of the Pacific, San Francisco, Cal.:

SIR: In compliance with your order of yesterday and that of to-day from the commanding general by telegraph, I have ordered in camp two of the companies of the Sixth Infantry at this post—E, the company mentioned by you, and K, Captain Hendrickson's. The former company will occupy close to the new arsenal, and the latter near the old ordnance buildings. If in thus disposing of these companies I have not comprehended the general's wishes, please inform me.

I have the honor to be, sir, very respectfully, your obedient servant,

W. SEAWELL,
Colonel Sixth Infantry, Commanding.

P. S.—A guard of two non-commissioned officers and sixteen privates will be placed over the magazine.

W. S.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., August 29, 1861.

Capt. R. C. DRUM,
Asst. Adj. Gen., Hdqs. Dept. of the Pacific, San Francisco, Cal.:

CAPTAIN: I have received your communication of the 20th instant. The excitement in relation to our Indian affairs at the Cascades has subsided. The whole country in that region on both sides of the river has been thoroughly examined by Captains Black and Van Voast, and no indications of any hostile Indians discovered. As yet I have not deemed it necessary to ask for any volunteers, and if the company of the Ninth Infantry now at San Francisco could be returned to this district, I hope to be able to get along for the present.

Very respectfully, your obedient servant,

G. WRIGHT,
Colonel Ninth Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., August 30, 1861.

Lieut. Col. E. D. TOWNSEND,
Assistant Adjutant-General:

COLONEL: I have received the General-in-Chief's dispatch, informing me that I am to command an expedition to Texas. While I feel flattered by this selection, and willing to undertake it, especially on account of the almost insuperable difficulties that will attend it, I feel

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it to be a duty to the general to let him know precisely the state of things on this coast. Up to the time of the reverse in Virginia everything was perfectly safe here. There has always been a strong secession party in this State, but it was overawed and kept quiet. Since that news was received these people have been getting much bolder, and I have found it necessary to take strong measures to repress any attempt on their part to thwart the Government. I think I can do it; but if they should succeed in electing their candidate for Governor, of which they are very confident, I shall not be able to do it without the most stringent measures. The Union party here is divided, and neither portion of it will sacrifice their trifling local interests for the public good; and as the disunionists are very active and zealous I am by no means certain that they will not carry the election. Their numbers are variously estimated from 25,000 to 45,000 voters. I shall get the force authorized to be raised here into my hands as soon as possible; but it will take some time to do this. It is a very different thing to raise volunteers in a State where there is a strong party opposed to the Government from what it is where all are loyal. I shall lose no time in organizing this force and getting it ready for any emergency.

In marching to Texas I would respectfully represent that Guaymas will be a much better point of departure than Mazatlan. The roads and country from the former are much better than from the latter, and the distance is but little more. I suppose, however, that the route must depend upon the one taken by the secessionists, if they should move in this direction. If they should make no movement hitherward, and the object of my expedition should be to recover and hold Texas, I would respectfully suggest whether it would not be a more feasible plan to take my command by sea to some point in Texas, there to meet such an additional force from the North as the commanding general might think necessary. This plan would give me the necessary munitions, which it would be impossible for me to carry across the continent; besides this, a march at the usual rate across those deserts would inevitably unfit volunteers for some time for efficient service in the field.

Very respectfully, your obedient servant,

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

HEADQUARTERS,

Camp near San Bernardino, Cal., August 30, 1861.

ASSISTANT ADJUTANT-GENERAL, U. S. Army,
Headquarters Department of the Pacific, San Francisco, Cal.:

SIR: From information this day received I have thought it advisable to order the two companies of dragoons from Los Angeles to this place. Although authorized to withdraw more, if necessary, I am in hopes that the mounted troops will suffice. I have been informed that the secessionists contemplated attacking my command while en route to this place, but as we were here much sooner than expected the secessionists were not prepared. I have also been notified that in secret meetings it has been determined to attack my camp on or before Wednesday next, but I hope nothing of the kind will happen. If General Sumner has any instructions to give me please send them by telegraph without delay.

Respectfully, your obedient servant,

W. SCOTT KETCHUM,
Major Fourth Infantry, Commanding.

remote settlements therein against incursions of hostile Indians. By this day's mail he will receive further instructions to exercise great caution in the examination of the persons selected as officers for this force and under no circumstances to accept the services of anyone "about whose loyalty to the National Government there is the shadow of a doubt." This, the general thinks, will frustrate any plans on the part of the secessionists to place their friends in positions dangerous to the State. The general highly approves of the position for the formation of companies of home guards, and would suggest that in every community an organization of this character should be formed, consisting of from 80 to 100 men, select their officers, have a general place of rendezvous, and drill at such times most convenient to the citizens. Should an emergency arise making it necessary to call upon the citizens on this coast to thus assist in maintaining the authority of our Government, these companies would possess sufficient instruction to act in concert with the regular or volunteer forces. There will be no difficulty in supplying arms to the loyal citizens, and when the time arrives they will be promptly furnished. As no copy of the laws passed at the recent session of Congress has been received here, there is consequently no knowledge of how far they may strengthen the hands of the civil or military officers. The general would suggest that a strict watch be kept upon the individuals most suspected and to ascertain where the arms alluded to are kept, so that at the proper time possession can be taken of them. Your suggestions with reference to the disposition of the regular force in the District of Oregon will be properly considered.

Very respectfully, your obedient servant,

RICHD. C. DRUM,
Assistant Adjutant-General.

PLEASANT HILL, OREG., *September 1, 1861.*

Col. G. WRIGHT,
Vancouver, Wash. Ter.:

SIR: From reports from persons residing east of the Cascade Mountains it would seem there are fears of a general outbreak of the Indians inhabiting that section of country. A combination of these Indians for the purpose of a war upon the whites would at this time be very disastrous to both Oregon and Washington Territory. I, of course, feel much solicitude in this matter, and have proposed to visit The Dalles at an early day and obtain such information touching the hostile sentiments of the Indians as may be elicited at that place. I have, however, thought it proper to address you this note and respectfully inquire whether the forces under your command are sufficient to force these Indians to keep the peace, and if the country may rely upon your action for protection.

Very respectfully, yours, &c.,

JOHN WHITEAKER.

FORT CASCADES, WASH. TER., *September 1, 1861.*

First Lieut. A. C. WILDRICK,
*Third Artillery, Acting Assistant Adjutant-General,
Fort Vancouver, Wash. Ter.:*

SIR: For the information of the colonel commanding the district I have the honor to report that I have caused the Cascade Indians to

move from the Upper to the Lower Cascade, in order that I might keep a more strict surveillance over their movements and actions, and also over the movements of any strange Indians who might visit them. I have established one non-commissioned officer and ten men at the Upper Cascades, on the south side. All public as well as private stores now pass over the road on the south side, which has therefore now become the most important. The works on this side are of such magnitude that the railroad on the north side will seldom, if ever, be used again. I am informed that the citizens on the north side are quite well supplied with arms and ammunition, and as they have the block-house near at hand I consider them perfectly safe. If there is any danger to be apprehended, I should look for it on the south side, and particularly should I look for it there if no troops were present. These considerations have induced me to establish my party on this side. By means of boats I shall have easy access to the Oregon side at all times, and constant communication will be kept up between the commands.

I have the honor to be, sir, your obedient servant,

JAS. VAN VOAST,
Captain, Ninth Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, September 2, 1861.

COMMANDING OFFICER,
Los Angeles, Cal.:

Two companies of the Sixth Infantry at Los Angeles will proceed without delay to Fort Yuma.

E. V. SUMNER,
Brigadier-General, U. S. Army, Commanding.

~~HEADQUARTERS DEPARTMENT OF THE PACIFIC,~~
~~San Francisco, September 2, 1861.~~

~~Lieut. Col. GEORGE ANDREWS,~~
~~Sixth Infantry, Commanding Fort Yuma, Cal.:~~

SIR: I am directed by the general commanding the department to inform you that telegraphic orders have this day been sent to Los Angeles directing the two companies of infantry at that point to proceed immediately to Fort Yuma. In thus complying with your request the general considers that your command will be sufficiently strong to resist successfully any attack that may be made. At all events, under no circumstances whatever will any regular force in this military department surrender to the rebels. The position of the force sent you (being the only available one) made it necessary to send it overland to save time.

Very respectfully, your obedient servant,

RICHD. C. DRUM,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Sacramento, Cal., September 2, 1861.

His Excellency ABRAHAM LINCOLN,
President of the United States:

SIR: The first requisition made upon this State for 1,500 volunteers has been filled and the command given to Colonel Carleton. It having

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., September 12, 1861.

Capt. R. C. DRUM,
Asst. Adj. Gen., Hdqrs. Dept. of the Pacific, San Francisco, Cal.:

CAPTAIN: I have just returned from Fort Dalles. Much alarm existing in the border settlements in consequence of the threatening aspect of our Indian affairs, I have deemed it proper to call on the Governor of Oregon for a company of volunteer cavalry. A copy of my communication to the Governor is herewith inclosed. Not having received any of the recent laws relating to the organization of volunteer forces, I have adhered to the old organization authorized for this country. I have called for the company for three years, unless sooner discharged. My latest advices from Fort Colville, and also from the Nez Percé country, represent everything as quiet. I keep Captain Whittlesey at Fort Dalles. His services are important there to muster in and take charge of the company I have called for. With the company I have called for I think we shall get along very well. It is barely possible that I may have to call on the Governor of Washington Territory for a company for service north of the Columbia River. All is quiet at the Cascades. Captain Van Voast is at that point with his company, occupying both sides of the river.

Very respectfully, your obedient servant,

G. WRIGHT,
Colonel Ninth Infantry, Commanding.

[Inclosure.]

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., September 12, 1861.

His Excellency JOHN WHITEAKER,
Governor of the State of Oregon:

SIR: The threatening attitude of the Indian tribes in the country east of the Cascade Mountains having produced much alarm amongst the settlers, causing many of them to abandon their claims, and the regular force under my command having been reduced during the past year by the withdrawal of fourteen companies for service in California, leaving an inadequate number of troops necessary for the protection of the settlements, I have the honor to request that your Excellency will call for one company of volunteer cavalry to be mustered into the service of the United States at Fort Dalles, Oreg., for the period of three years unless sooner discharged. The organization of the company will be one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, one farrier and blacksmith, and seventy-four privates. Every member of the company will be required to furnish his own horse and horse equipments, and will be paid for their use and risk such allowances as are now or may hereafter be established by law. The Government will furnish arms and subsistence when the organization of the company shall have been completed and the company accepted. When fully organized, I request that your Excellency will direct the captain of the company to report to Capt. Joseph H. Whittlesey, of the U. S. Army, at Fort Dalles, who has been ordered to inspect and, if accepted, to administer the oath of allegiance and muster the company into the service of the United States.

With great respect, I have the honor to be, your Excellency's most obedient servant,

G. WRIGHT,
Colonel Ninth Infantry, Commanding.
War of Rebellion Records
Series 1, Vol. 50, Pt. 1, 1897

HEADQUARTERS,

Camp near San Bernardino, Cal., September 10, 1861.~~ASSISTANT ADJUTANT-GENERAL, U. S. Army,~~*Headquarters Department of the Pacific, San Francisco, Cal.:*

SIR: On the 8th instant I informed you what reports had been made to me respecting a party which was attacked while en route to the mines in Holcomb Valley. Mr. Stemper, who was reported killed, was wounded; jumped off his horse and fired four times at his assailants, two in number, who ran off and left him. Mr. Stemper was shot in the thigh through the flesh, and the ball lodged in his wallet in his trousers' pocket, which saved his life undoubtedly. Mr. Bogan was shot in the shoulder. He is now in San Bernardino and will no doubt recover, as his is a flesh wound only. Mr. Fuller, the expressman, is safe. He jumped off his horse and ran. He thinks those who attacked him secured his horse. Of this, however, he has no knowledge. Fuller, who returned to San Bernardino, says he saw nine persons in the attacking party, and he thinks there were more from the noises heard by him. Mr. Green, the clerk, is also safe, and is now in Holcomb Valley. He reports that he fought his way through to Deer Creek Station; hence nobody was killed and only two wounded. Constable Saint John took a posse and went in search of the depredators, so I have been informed, but he has not made any arrests yet, although he suspects who were concerned.

Respectfully, your obedient servant,

W. SCOTT KETCHUM,

Major Fourth Infantry, Commanding.

SPECIAL ORDERS, } HDQRS. DEPARTMENT OF THE PACIFIC,
No. 169. } *San Francisco, September 11, 1861.*

The volunteer camp to be established in the vicinity of the Pioneer Race Course will be known as Camp Alert.

By order of Brigadier-General Sumner:

RICHD. C. DRUM,
Assistant Adjutant-General.

SPECIAL ORDERS, } HDQRS. DEPARTMENT OF THE PACIFIC,
No. 170. } *San Francisco, September 12, 1861.*

1. Major Pollock, California volunteers, having been transferred by the Governor from the First to the Third Regiment California Volunteer Infantry, will proceed to Stockton and report in person to Colonel Connor.

* * * * *

5. Capt. John Kellogg, Third Artillery, having been appointed by the Governor of this State colonel of the Fifth Regiment of California Infantry, will be relieved from duty at the Presidio of San Francisco and proceed to organize his regiment at such point as the Governor may designate.

By order of Brigadier-General Sumner:

RICHD. C. DRUM,
Assistant Adjutant-General.

instructions of the 20th instant, on the general subject of aiding the Indian Department in requiring the Indians to live on the Indian reservation. You will perceive that the expedition was entirely successful. It resulted in the death of four Indians, including the leader, Tenounis, or Big Talk on Four Mountains, otherwise called the Dreamer, whose ominous prophecies had exerted a baneful influence over the small party who followed his fortunes. The killing of these appears to have been a necessary and unavoidable act. I have no doubt that the effect of the movement will be to prevent any further aggression against the whites at the Grand Ronde Valley, and will have a salutary effect on all the surrounding tribes. The great majority of the Indians on the Umatilla Reservation appear to have had no sympathy with the Dreamer or his assumptions. A report from Lieutenant-Colonel Maury, dated 17th instant, shows that his expedition had reached the Owyhee River. He had met thus far 300 wagons of emigrants. Few Indian disturbances or depredations had occurred. The emigrants express much satisfaction in the movements of troops, which have every likelihood of preventing collisions.

I am, sir, very respectfully, your obedient servant,

BENJ. ALVORD,

Brigadier-General, U. S. Volunteers, Commanding District.

ASSISTANT ADJUTANT-GENERAL,

Headquarters Department of the Pacific, San Francisco, Cal.

No. 2.

Reports of Col. Justus Steinberger, First Washington Territory Infantry.

HEADQUARTERS,

Fort Walla Walla, Wash. Ter., August 9, 1862.

SIR: I have the honor to report that at the request of the superintendent of Indian affairs for Oregon and the Indian agent at the Umatilla Reservation, I have directed Captain Currey with twenty men of his company to proceed on a scout of fourteen days toward Grande Ronde Valley. In a personal interview with the gentleman I became convinced that a serious attack had been made upon a settlement that, unless promptly punished, might result in additional and embarrassing hostilities. Inclosed is also transmitted copy of a communication from Mr. Barnhart, and indorsed by Mr. Rector, referring to the subject. The order and letter of instructions to Captain Currey are both respectfully transmitted inclosed for the information of the commanding general of the district, which will explain my action in the matter. The absence of one subaltern of Captain Currey's company on leave of absence, and the attendance of the other on a general court-martial at this post, prevents my sending a commissioned officer at present to the Umatilla Reservation to relieve Lieutenant Hillyer. The sergeant and ten men mentioned in the order will serve all the requirements at the reservation until the re-enforcement arrives.

Trusting that the commanding general will approve this disposition of the detachment referred to, I am, very respectfully, your obedient servant,

JUSTUS STEINBERGER,

Colonel First Washington Territory Infantry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,

Headquarters District of Oregon, Fort Vancouver, Wash. Ter.

War of Rebellion Records

Series 1, Vol. 50, Pt. 1, 1897

[Inclosure No. 1.]

UMATILLA INDIAN RESERVATION, August 4, 1862.

Col. J. STEINBERGER, U. S. Army,
Commanding Fort Walla Walla, Wash. Ter.:

COLONEL: I have respectfully to request that you will order a detachment of twenty-five or thirty mounted men to proceed to Grande Ronde Valley for the purpose of arresting certain refractory Indians who are creating a serious disturbance among the settlers in that valley. These Indians belong to the Umatilla Indian Reservation, but do not recognize their treaty obligations. They have refused to allow white men to settle in the valley, and have already driven away several men by threats of violence. Should those Indians be permitted to remain where they are at present congregated, difficulties of a serious character must occur between them and the white settlers. If two or three of the leaders of the party are captured at once and placed in confinement in the guard-house at Fort Walla Walla the whole affair may be checked and no further trouble in that quarter be apprehended. I have also respectfully to request that when the infantry detachment at the reservation is relieved a detachment of twenty mounted men may take their place, to remain permanently, for the preservation of peace and good order on the reservation. The great influx of travel to the mines directly through the reservation causes much dissatisfaction in the minds of the Indians and renders it absolutely necessary that a small force be kept constantly at the agency.

I am, very respectfully, your obedient servant,
 WILLIAM H. BARNHART,
U. S. Indian Agent, Umatilla Reservation.

Approved.

WM. H. RECTOR,
Superintendent Indian Affairs.

[Inclosure No. 2.]

ORDERS, } HEADQUARTERS,
 No. 170. } *Fort Walla Walla, Wash. Ter., August 16, 1862.*

I. Lieut. J. T. Apperson, Company E, First Oregon Cavalry, with fifteen men of that company, will leave this post to-morrow morning, 17th instant, and proceed without delay to the Umatilla Reservation.

II. This detachment, with the ten men of the same company now at that point, will remain there until the arrival of Captain Currey with his command, for the protection of Government property and assistance in the enforcement of the authority of the agent of the Indian Department.

III. Forty rounds of ammunition and seven days' subsistence will be taken with the party.

IV. Instructions will be furnished Lieutenant Apperson from these headquarters.

By order of Colonel Steinberger:

WM. MYLES,
First Lieut., First Washington Territory Infantry, Post Adjutant.

[Inclosure No. 3.]

HEADQUARTERS,
Fort Walla Walla, Wash. Ter., August 9, 1862.

Capt. GEORGE B. CURREY,
First Oregon Cavalry, Fort Walla Walla, Wash. Ter.:

SIR: Representations have been made by the Indian agent at the Umatilla Indian Reservation, and confirmed by the superintendent of

Indian affairs for Oregon, now here, that a band of Indians belonging to the Cayuse tribe have by force of arms driven white settlers from their farms on the Grande Ronde Prairie, claiming ownership to the lands. The Indian Department shows evidence of treaty by the Government for this section of country, and indisputable right on the part of the United States to it. Orders, No. 161, from these headquarters directing the force under your command to proceed to Grande Ronde are issued at the request of gentlemen above named. I inclose you a copy of the communication* of Mr. Barnhart and Mr. Rector for your guidance. You will use all dispatch on the march to the point at which these Indians are supposed to be, and after carefully collecting all the information possible, arrest such of the leaders as were engaged in the attack upon the white settlers and bring them at once to this post. Do not encumber yourself with more than four or five of the principal men, and then only after the most satisfactory proof of their actual engagement in the affair. Alexander McKay will be taken with you as guide and interpreter, and as he is highly recommended by Agent Barnhart, you will take his advice as to the route to pursue, and the persons to consult in Grande Ronde Valley capable of giving you information in your search for the disaffected Indians. The camp equipage directed to be turned over to you by Lieutenant Hillyer will be sufficient for the full detachment of twenty men intended to remain at the Umatilla Reservation until 1st of November. This will be left at the reserve in charge of the sergeant. After leaving the detachment of ten men at Umatilla Reservation, you will proceed with the remaining twenty men for the purpose above indicated, and on returning to this post detach nine others with one corporal as a re-enforcement on the reservation. The subsistence taken with you is to be used mainly on the reservation by the force to be employed there, and you will take with you beyond that point not more than is necessary for the twenty men that march with you to Grande Ronde. It is expected that not more than fourteen days will be required for the purpose indicated, and you will use all diligence in accomplishing the object desired, and return to this post on or before the 24th instant. Very much is of necessity left to your own discretion and judgment in carrying out these instructions, and it is enjoined upon you prudently and carefully to exercise the responsibility intrusted.

Very respectfully, your obedient servant,
 JUSTUS STEINBERGER,
Colonel First Washington Territory Infantry, Commanding.

HEADQUARTERS,
Fort Walla Walla, August 17, 1862.

SIR: I have the honor to report that I received an express last night from Captain Currey with the report† herewith inclosed, dated 15th instant. The chief (Tenounis) referred to is the Indian reported by Agent Barnhart and Superintendent Rector as the leader in the foray against the settlers of Grande Ronde Valley. Inclosed (No. 1) is also a copy of petition from the settlers in Grande Ronde Valley. The scout of Captain Currey anticipates the protection asked. The request for a

* See inclosure No. 1, p. 160.

† See Currey to Steinberger, August 15, p. 164.

company at that point I think unwarranted. If Captain Currey's operations have been prudent, and his recent action just and proper, it should have the effect to subdue hostilities and deter other infringement upon the rights of settlers. The presence, too, of the large force of cavalry eastward of this settlement and the knowledge of their return within a few months will no doubt have the effect to prevent the danger feared. I have no other intelligence than that furnished me by Captain Currey of his encounter with the Indians referred to in his letter. My instructions to him, both written and verbal, were to exercise the greatest caution and prudence in the performance of his duties, and I have no reason to believe the collision with these Indians was other than unavoidable. From information that I gather from intelligent friendly Indians here, there appears to be not more than twenty Indians disaffected in the Grande Ronde Valley, and no sympathy is had with them by the remainder of the Cayuse or other tribes. I received also last night an express from the acting agent of the Umatilla Agency, reporting that the affair of Captain Currey was known among the Indians under his charge, and that some uneasiness was felt. Under date of August 9 I advised you of the disposition of the force sent out under Captain Currey. Ten men with a sergeant were directed to be left at the reservation to relieve Lieutenant Hillyer and twenty men of the Fourth California Infantry. In order to give greater security to the public property on the reservation and insure the authority of the agent, I sent at daylight this morning Lieutenant Apperson, Company E, First Oregon Cavalry, with fifteen men of that company to re-enforce the small detachment left there. Inclosed is respectfully transmitted copy of the order directing the movement. I have much confidence in the discretion and prudence of Lieutenant Apperson in the duty assigned him, and doubt not that on the return of Captain Currey will be enabled to report to you quiet and submission among the Indians.

Very respectfully, your obedient servant,

JUSTUS STEINBERGER,

Colonel First Washington Territory Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,

Hdqrs. District of Oregon, Fort Vancouver, Wash. Ter.

[Inclosure No. 1.]

Petition.

COMMANDING OFFICER AT FORT WALLA WALLA:

We, the undersigned, citizens of Grande Ronde Valley, would respectfully petition you for the assistance of one company or more of soldiers to be stationed here. Whereas depredations have been committed here by the Indians, and that we are so scattered over the valley that we have not the means of defense, and that our lives and property are not safe, and if you will grant our petition you will confer a great favor on the petitioners.

C. E. FOX,
D. CHAPLIN,
G. ARNOLD,
[AND 20 OTHERS.]

[Inclosure No. 2.]

ORDERS, }
No. 161. }

Fort Walla Walla, Wash. Ter., August 9, 1862.

HEADQUARTERS,

I. Capt. George B. Currey, First Oregon Cavalry, with two sergeants, four corporals, and twenty-four privates, will leave this post on the morning of the 10th instant on detached service for the Umatilla Indian Reservation and Grande Ronde Prairie.

III. On arriving at the Umatilla Reservation Captain Currey will leave a reliable sergeant and ten men to relieve the force of the Fourth California Infantry under Lieutenant Hillyer.

V. Written instructions will be furnished Captain Currey from these headquarters.

By order of Colonel Steinberger:

First Lieut., First Washington Territory Infy., Actg. Post Adjt.

WILLIAM MYLES,

Fort Walla Walla, August 23, 1862.

HEADQUARTERS,

SIR: I have the honor to transmit herewith inclosed copy of report* of Capt. George B. Currey, First Oregon Cavalry, returned last night with a detachment of his company from an expedition to the Grande Ronde Valley. The instructions given this officer, as heretofore reported, were to find out the Indians engaged in the disturbances reported by the superintendent of Indian affairs for Oregon and the agent of the Umatilla Reservation, and if possible arrest and bring to this post a few of the most active and influential of their number. As by the captain's report, the effort to carry out the orders given was met by resistance, and resulted in the killing of four Indians, among whom was their leader, Tenounis, or the Dreamer, as he is called. This Indian, I have learned, has been for a long time disaffected. He has always denied and opposed the authority of the Government and their right to the lands now occupied by white settlers, ceded by treaty and acknowledged by the greater portion of his tribe as belonging to the United States. For some months he had separated himself from the Umatilla Reservation, and in opposition to the feelings and expressed inclinations of the Indians collected there had taken with him a small band, with the avowed object to occupy the Grande Ronde Valley to the exclusion of our settlers. The designs of this party culminated, as reported, in attacks endangering the lives and property of settlers in that valley. The other Indians killed were clearly in the interest of the Dreamer and under his influence. To have arrested a few of the leaders engaged in these hostile movements it was supposed would have broken up the band. The more summary punishment resulting from their resistance has, I have no doubt, accomplished the same end, and the more effectually. All the reports from the Grande Ronde Valley and the Umatilla Reservation, from Indians as well as whites, concur in the representation that order and quiet have been restored. The promptness with which the aggressions of this small band of Indians has been visited by our troops, and

* See Currey to Steinberger, August 23, p. 164.

the immediate punishment served, has, I think, produced a salutary effect for their future good conduct. It convinces them of the determination and ability of the Government to protect its citizens from outrage and enforce inviolate our stipulated relations.

I am, very respectfully, your obedient servant,

JUSTUS STEINBERGER,

Colonel First Washington Territory Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,

Headquarters District of Oregon, Fort Vancouver, Wash. Ter.

No. 3.

Reports of Capt. George B. Currey, First Oregon Cavalry.

GRANDE RONDE, August 15, 1862.

SIR: On the second day from Umatilla Agency I surprised Tenounis' (the Dreamer) camp, about 1 o'clock at night. Held a long talk with him, endeavoring to induce him to go with me to Walla Walla, Wash. Ter. This he obstinately refused. I gave him until 8 a. m. to consider in. At the expiration of that time he told me that if the tyee at Walla Walla wished to see him he might come, but that he would not go. I then concluded to make him a prisoner. This he resisted, firing at me twice. I shot him with a revolver, as well as one of his principal men. While this was going on several shots were fired among my men from a crowd of some fifteen or twenty Indians whom I had supposed to be mere spectators. One fire from my men's yagers sent them out of sight except two, who fell. The Indians claim that the two shot by the men were friendly Indians. This may create some dissatisfaction among those on the reserve. I shall remain here a day or two to recruit my horses and watch the shape things are taking.

Yours, respectfully,

GEO. B. CURREY,

Captain, First Cavalry Oregon Volunteers.

COMDG. OFFICER AT FORT WALLA WALLA, WASH. TER.

HEADQUARTERS,

Fort Walla Walla, Wash. Ter., August 23, 1862.

COLONEL: In obedience to Orders, No. 161, dated at this place, August 9, 1862, on the morning of the 10th instant I started for the Umatilla Indian Reservation and Grande Ronde Prairie, with a detachment of thirty enlisted men of Company E, First Cavalry Oregon Volunteers. Arrived at the Umatilla Indian Reservation, Oregon, on the 11th instant, and in compliance with paragraph III, Orders, No. 161, I detailed Sergeant Ammons and ten men to relieve Lieutenant Hillyer and his detachment of California volunteers on detached duty at that place. On the morning of the 12th, with the remainder of the detachment, I set out at sunrise for Grande Ronde Prairie, with your written instructions to carefully inquire into and arrest the leaders in the late attack upon the white settlers. Encamped for the night on Grande Ronde River. Distance from agency, forty miles. Left camp at sunrise on the morning of the 13th; traveled eight miles to settlements. Remained several hours, making inquiry among the settlers concerning the recent conduct of the Indians in that vicinity. From the settlers I

Indians at Fort Tejon

CHAP. LXII.]

CORRESPONDENCE—UNION AND CONFEDERATE.

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~~that the arrangement will be satisfactory. I have to mention before closing that I had applied to the Secretary of War for a leave of absence of twelve months before the receipt of Orders, No. 1, from the headquarters Department of the Pacific.~~

I am, sir, very respectfully, your obedient servant,

G. WRIGHT,

Colonel Ninth Infantry, Commanding.

VICINITY OF FORT TEJON, CAL., February —, 1861.

General A. S. JOHNSTON, U. S. Army:

We, the subscribers, having heard the removal of Fort Tejon is in contemplation, desire to enter our earnest protest against this intention, representing for your consideration the following facts: The position of Fort Tejon is such as entirely to command three populous and rapidly increasing districts, which by its abandonment would suffer the most disastrous consequences from the incursions and inroads of the Indians from which it now protects us. These people are as yet without the means of self-defense, and relying upon the permanence of the fort and the protection of the Government, have passed thus far into the interior, settling and developing the resources of a new country, with the implied assurance, from the location of Fort Tejon, of protection for their lives and property. If this protection is to be withdrawn, those who have under its promises made their homes in the wilderness will be left to the mercy of ruthless savages, and a beautiful district about to be reclaimed by civilization again abandoned to its original condition. These resources are agricultural and grazing, and it would be useless to remind you of the vast mining interest stretching from Mono Lake to the Colorado, over an immense extent of country rich in every mineral, and now being examined by thousands of our citizens, which the abandonment of Fort Tejon would leave entirely without protection, and in consequence of which all the anticipated wealth of that region be utterly lost to the country. Under these circumstances we feel justified in remonstrating in the strongest manner against the removal of Fort Tejon. The value of our property and our personal security all render imperative the protection it affords.

We have the honor to be, very respectfully, your obedient servants,

SAMUEL A. BISHOP,

E. F. BEALE,

F. E. KERLIN,

[AND 85 OTHERS].

~~OFFICE SECRETARY OF TERRITORY,~~

~~Olympia, February 3, 1861.~~

~~COMMANDER OF THE DEPARTMENT OF THE PACIFIC,~~

~~San Francisco, Cal.:~~

~~SIR: I have the honor to transmit herewith a certified copy of a memorial of the legislative assembly of this Territory passed at its session just closed, and respectfully to call your attention to the same.~~

~~I have the honor to be, your obedient servant,~~

~~HENRY M. MCGILL,~~

~~Secretary of Washington Territory.~~

[Inclosure.]

~~To the COMMANDER OF THE DEPARTMENT OF THE PACIFIC:~~

We your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent that since Fort Bellingham has been abandoned by the military the numerous tribes of Indians residing in the vicinity have shown unmistakable evidence of hostility to the whites, growing out of the non-fulfillment of treaty stipulations on the part of our Government. The settlement on Bellingham Bay is also liable to be surprised at any time by the Northern, or British, Indians, who periodically visit the sound for plunder, and situated near the forty-ninth parallel, it is of the utmost importance that Fort Bellingham should be reoccupied by at least one company of U. S. troops for the protection of said settlement of Bellingham Bay.

Passed the House January 17, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

Passed the council January 18, 1861.

PAUL K. HUBBS,
President of the Council.

SECRETARY'S OFFICE,
Olympia, Wash. Ter., February 1, 1861.

I hereby certify the foregoing to be a true and perfect copy of the original memorial on file in this office.

HENRY M. MCGILL,
Secretary of Territory.

ORDERS, }
No. 5. }

HEADQUARTERS,
Fort Walla Walla, Wash. Ter., February 4, 1861.

Bvt. Maj. William N. Grier, First Dragoons, with forty men of his company, will proceed to-morrow morning to the Umatilla to confer with the agent, Mr. Abbott, concerning certain recent depredations by a party of Indians on the Columbia, and, if necessary, to proceed to the Indian camp, secure and punish the offenders, and remove the remainder to the reservation. He will take ten days' forage and rations. The assistant quartermaster will furnish the necessary transportation.

By order of Major Steen:

JAMES WHEELER, JR.,
Second Lieutenant, First Dragoons, Post Adjutant.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, February 6, 1861.

First Lieut. J. MCALLISTER,
Commanding Benicia Arsenal, Cal.:

SIR: The commanding general wishes a list of the arms in the arsenal, the amount of powder and ammunition. He directs you to send 100 rounds of ball cartridges and twenty rounds of blank cartridges to Alcatraz Island for the carbines lately issued to the dragoon recruits. But if you have already furnished any ammunition for those arms you will reduce the present amount by the then supply.

Respectfully, your obedient servant,

W. W. MACKALL,
Assistant Adjutant-General.

much needed here. The General-in-Chief directs that you give every facility for executing this order as soon as practicable.

I am, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS,

Camp Fitzgerald, near Los Angeles, Cal., June 22, 1861.

Maj. D. C. BUELL,
Assistant Adjutant-General, U. S. Army, San Francisco, Cal.:

MAJOR: Inclosed herewith you will find a telegraphic dispatch from Lieutenant Carr, First Dragoons, left in charge of the public stores at Fort Tejon, and having with him one corporal and one private. You will see my action in the case by my telegraphic reply to Lieutenant Carr (in pencil), inclosed herewith.

I am, major, very respectfully, your obedient servant,
J. H. CARLETON,
Brevet Major, U. S. Army, Commanding.

[Inclosure No. 1.]

FORT TEJON, June 21, 1861.

Major CARLETON,
Commanding:

I want a sergeant and ten men here. The Indians are going to break out. The whites are giving them whisky and they charge around and make their threats publicly. We are unarmed and undefended.

M. T. CARR,
U. S. Army.

[Inclosure No. 2.]

CAMP NEAR LOS ANGELES, June 21, 1861—9.30 p. m.

Lieutenant CARR:

Sergeant Dalton and ten dragoons, with rations and forage for two days, forty rounds for Sharps carbines, and thirty-four revolvers, have left to report to you at Fort Tejon. As soon as all the public stores are removed report with them here.

J. H. CARLETON,
Brevet Major, U. S. Army.

I think the Indians have been put up to this. No troops will ever return to Fort Tejon except on campaign to whale them. You can bet on it.

J. H. C.

ments on the slough or South Fork of Kern River to inquire into the threatened depredations in that quarter. The story that these people

[Inclosure.]

~~To the COMMANDER OF THE DEPARTMENT OF THE PACIFIC:~~~~We your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent that since Fort Bellinham~~~~RICH'D. C. DRUM,
Assistant Adjutant-General.~~~~SAN FRANCISCO, June 21, 1861.~~~~Col. GEORGE WRIGHT, U. S. Army,
Fort Vancouver:~~~~Re-establish Camp Pickett.~~~~D. C. BUELL,
Assistant Adjutant-General.~~~~SPECIAL ORDERS, } HEADQUARTERS DISTRICT OF OREGON,
No. 13. } Fort Vancouver, Wash. Ter., June 21, 1861.~~~~I. In consequence of the threatening attitude of the Indians on the waters of Puget Sound, so much of Special Orders, No. 9, current series, from these headquarters as directs the troops at Camp Pickett, on San Juan Island, to embark on the next steamer for San Francisco is hereby revoked.~~~~II. So soon as the public property shall have been removed from Fort Townsend the commander of the Massachusetts will be directed to proceed with his ship and report to Captain Pickett or the commanding officer at Camp Pickett, on San Juan Island, to remain until further orders.~~~~By order of Colonel Wright:~~~~JNO. S. MASON,
First Lieut., Third Artillery, Acting Assistant Adjutant-General.~~~~HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., June 22, 1861.~~~~Maj. D. C. BUELL,
Asst. Adjt. Gen., Hdqrs. Dept. of the Pacific, San Francisco, Cal.:~~~~MAJOR: I have the honor to acknowledge the receipt of your communication of the 12th instant, together with the letter of Captain Pickett of the 1st instant. I had much hesitation in the first instance about abandoning the post of San Juan Island; not that its occupancy could have the least effect on our claim to the island, as I look upon that as a point not open for discussion, but it is a salient and~~~~arms you will reduce the present amount by the then supply.~~~~Respectfully, your obedient servant,~~~~W. W. MACKALL,
Assistant Adjutant-General.~~

much needed here. The General-in-Chief directs that you give every facility for executing this order as soon as practicable.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS CAMP FITZGERALD,
Near Los Angeles, Cal., July 23, 1861.

Maj. D. C. BUELL, U. S. Army,
Assistant Adjutant-General, San Francisco, Cal.:

MAJOR: Inclosed please find the report of First Lieut. Benjamin F. Davis, First Dragoons, on the Indian troubles which were said to exist at or near Fort Tejon, Cal. Lieutenant Davis' report confirms the impression I had as to the truth of the intelligence conveyed to me by telegraph and otherwise in relation to these troubles. The general may rely upon this—no troops are more ready than those of this command to protect the inhabitants when they are really menaced, and none, perhaps, more unwilling than those to be imposed upon by idle reports, having no foundation in fact, and which are gotten up to answer sinister ends.

I am, major, very respectfully, your obedient servant,

J. H. CARLETON,
Brevet Major, U. S. Army, Commanding.

[Inclosure.]

CAMP FITZGERALD,
Near Los Angeles, Cal., July 23, 1861.

Brevet Major CARLETON,
Commanding Camp Fitzgerald, near Los Angeles:

MAJOR: I have the honor to report that in compliance with your orders I left this camp on the morning of the 14th and proceeded to Fort Tejon for the purpose of ascertaining the facts concerning certain reports made by the people of that vicinity that the Indians were committing depredations and threatening to make war upon them. I arrived at that place on the 18th, and made careful inquiries of Messrs. Alexander, Barbee, Halpin, and other residents of the cañon. From their statements it appears that when the troops left the fort the Indians came about in considerable numbers to pick up old rags, shoes, &c., as is usual with them in such cases, and Lieutenant Carr, the officer left in charge, seems to have had some little difficulty in getting rid of them. A few days afterward two or three of these Indians got drunk at the "Yews," and on their way home attempted to throw a lariat over the head of a man whom they met coming up the cañon in a buggy. They also tried to break into the house of a Mrs. Welt, who lives below the fort, but she easily frightened them off by firing a pistol out of the window. This seems to have been the extent of their depredations, and since that time they have been quiet and friendly. The apprehension that the people are under from the Indians may be judged of by the fact that most every family has them employed either as house servants or laborers, and they are well aware that it is in their power to prevent all trouble in future by simply prohibiting the sale of liquor by any member of the community. I then proceeded to the settlements on the slough or South Fork of Kern River to inquire into the threatened depredations in that quarter. The story that these people

say, ten or fifteen men from Fort Steilacoom, or Fort Vancouver, stationed at the old post, and I consequently recommend that number be sent thither.

I am, very respectfully,

W. W. MILLER,
Superintendent of Indian Affairs, Washington Territory.

[Indorsement.]

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., July 21, 1861.

Respectfully referred to department headquarters.

I have removed all the stores from Fort Chehalis, as I did not believe there would be any absolute necessity for troops there for the present. I do not think that there is any real danger of Indian outbreaks, but to allay the apprehensions on that subject perhaps it might be as well to send ten or twelve men there for a while.

G. WRIGHT,
Colonel Ninth Infantry, Commanding.

HEADQUARTERS,
Fort Churchill, Nev. Ter., July 22, 1861.

Maj. DON CARLOS BUELL,
Assistant Adjutant-General, U. S. Army,
Hdqrs. Department of the Pacific, San Francisco, Cal.:

MAJOR: Your communication of the 18th instant is received. In reply I would state for the information of the general commanding department that Captain Moore was present and organized one company in Virginia City, and that he examined the records of the Union organization in Virginia City, Gold Hill, and Silver City, and is satisfied there are now in the Territory over 400 loyal citizens, organized as companies, who are anxious to obtain arms and ammunition for the purpose of aiding the civil authority in carrying out the laws and protecting the interests of the United States. I believe that arms could be placed in the hands of these men with the full assurance that the power thus given them would not be abused. I would also state that the arms will be secure, as they do not place them in an armory but carry them to their rooms, so that in case of an alarm they come forth ready armed without the necessity of rushing to an armory to equip. The arms could be issued to the Governor, and by him to such as he knows to be loyal, or placed in store at this post and issued on requisitions by him or the order of the general commanding department.

I am, sir, very respectfully, your obedient servant,

GEO. A. H. BLAKE,
Lieutenant-Colonel First Dragoons, Commanding Post.

HEADQUARTERS OF THE ARMY,
Washington, July 23, 1861.

Brig. Gen. E. V. SUMNER, U. S. Army,
Commanding Department of the Pacific, San Francisco, Cal.:

SIR: The colonel of ordnance has ordered 30,000 stand of arms, now in store on the Pacific, to be shipped to New York, as they are very

tell is that an Indian boy told a Mrs. Cottrell or Cottring that the Indians from the reservation were coming down when the corn got ripe to eat it up, and were then going to kill all the whites. This woman lives near her father, an old man named Bonny, who has also another daughter, Mrs. Greenlis, who lives eight or ten miles down the slough. The old man becoming alarmed sent for this daughter, which caused the panic to spread to two or three other families in the neighborhood. They collected at his house and remained together three or four days, when, their fears having subsided, they returned to their homes. According to their own showing this is the only foundation for the reports which they circulated and the petition which they signed praying for protection. It is possible that some idle Indian boy may have amused himself by playing upon the fears of the woman, but I believe the whole story to be a fabrication. Mr. Gale, an old mountaineer, who lives within a mile of Mr. Bonny, says he heard nothing of the matter until the people had returned to their homes, and James McKenzie, who lives near Greenlis, makes the same statement. I returned by the way of the reservation and had an interview with Mr. Bagchart, the newly appointed agent. He says that these reports about the Indians are false; that they are contented with their condition, and that he is well satisfied with their conduct. He also stated that he wanted no troops for protection against Indians. In this connection I would respectfully refer the general to the report which this gentleman has recently made to the Superintendent of Indian Affairs on this very point. The truth is that the people in the vicinity of Fort Tejon have lived so long upon Government patronage that they now find it difficult to do without it, and they will use every means to have troops restationed at that place.

I am, sir, very respectfully, your obedient servant,

B. F. DAVIS,
First Lieutenant, &c.

WAR DEPARTMENT, July 24, 1861.

GOVERNOR OF CALIFORNIA:

The War Department accepts for three years one regiment of infantry and five companies cavalry to guard the Overland Mail Route from Carson Valley to Salt Lake and Fort Lawrence. Colonel Waite will be put in command of department at Salt Lake City. General Sumner will detail mustering officer to muster in the men.

SIMON CAMERON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1861.

Brigadier-General SUMNER,

Headquarters Department of the Pacific, San Francisco, Cal.:

One regiment of infantry and five companies of cavalry have been accepted from California to aid in protecting Overland Mail Route via Salt Lake. Please detail officers to muster these troops into service. Blanks will be sent by steamer.

By order:

L. THOMAS,
Adjutant-General.

CAMP PICKETT,
San Juan Island, Wash. Ter., July 24, 1861.

Lieut. JOHN S. MASON, U. S. Army,
Third Artillery, Actg. Asst. Adjt. Gen., Hdqrs. Dist. of Oregon:

SIR: I have the honor to report that in compliance with Special Orders, No. 18, dated headquarters District of Oregon, Fort Vancouver, Wash. Ter., July 15, 1861, I have arrived at this post with my company.

Very respectfully, your obedient servant,

T. C. ENGLISH,
Captain, Ninth Infantry.

WASHINGTON, July 25, 1861.

Hon. SIMON CAMERON,
Secretary of War:

SIR: The bearer of this, Col. J. D. Williamson, of New York, and formerly a resident of Oregon, informs me that he has raised a regiment of riflemen composed principally of citizens from that State. I trust that it will be convenient for you to receive them at once as a part of the quota from Oregon. Colonel Williamson bears the highest testimonials from some of the most distinguished citizens of New York.

I am, respectfully, your obedient servant,

J. W. NESMITH.

WAR DEPARTMENT, July 26, 1861.

Col. J. D. WILLIAMSON,
No. 43 Courtland St., New York City:

SIR: The regiment of infantry which you offer is accepted for three years or the war, provided you have it ready for marching orders in thirty days. This acceptance is with the distinct understanding that this Department will revoke the commissions of all officers who may be found incompetent for the proper discharge of their duties. When you have 500 men ready the Adjutant-General will issue orders to muster. You will promptly advise Adjutant-General, headquarters at Washington, the date at which your men will be ready for mustering and he will detail an officer for that purpose.

By order of the Secretary of War:

JAMES LESLEY, JR.,
Chief Clerk, War Department.

FORT STEILACOOM, WASH. TER., July 26, 1861.

First Lieut. J. S. MASON,
*Third Artillery, Acting Assistant Adjutant-General,
 Hdqrs. District of Oregon, Fort Vancouver, Wash. Ter.:*

SIR: I have the honor to report that in obedience to Special Orders, No. [18], headquarters District of Oregon, Capt. T. C. English with his company (H, Ninth Infantry), on the 24th instant relieved my company (B) as the garrison of Camp Pickett, San Juan Island, and I at the same time turned over the command of the post to him. I arrived

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OPERATIONS ON THE PACIFIC COAST.

[CHAP. LXII.]

people from such facilities, and I am prepared to give you, in any form you may suggest, the amplest guarantees that they shall not be abused.

With high consideration, I am, Your Excellency's obedient servant,
H. H. SIBLEY,

Brigadier-General, C. S. Army, Commanding Army of New Mexico.

HEADQUARTERS,

Fort Hoskins, Oreg., December 16, 1861—4 p. m.

Colonel CADY,

Commanding District of Oregon:

COLONEL: On receiving the inclosed dispatches from the Indian agent at the Siletz block-house, which is about thirty-five miles from the post, Capt. J. C. Schmidt, the permanent commander of this post, immediately started with one-half the command (twenty-one men of Company D, Fourth Infantry, included); at this post. I then immediately dispatched an express to Fort Yamhill for more men to assist in garrisoning this post, as we are led to infer that this move is a preconcerted plan to withdraw the troops from this post so as to attack both at once, as we are threatened every day.

I am, colonel, very respectfully, your obedient servant.

T. B. CAMPBELL,

First Lieut., Second Infty. California Vols., Commanding Post.

[Inclosure No. 1.]

SILETZ INDIAN AGENCY, *December 16, 1861.*

COMMANDING OFFICER AT FORT HOSKINS, OREG.:

SIR: From recent information of a very reliable character, and from personal observations, I am induced to believe that an outbreak is contemplated among the Indians under my charge at no very distant day, and in view of this fact, and for the purpose of warding off danger, I would respectfully suggest that the military force at the block-house here be immediately strengthened by at least twenty additional men.

Hoping that you will soon take such measures as necessary to assist us, I am, yours, respectfully,

B. R. BIDDLE, *Agent.*

[Inclosure No. 2.]

SILETZ INDIAN AGENCY, *December 16, 1861.*

COMMANDING OFFICER AT FORT HOSKINS, OREG.:

SIR: Since writing you this morning things have now come to a crisis. The Indians are up and in arms. The military here attempted to arrest two of the ringleaders in the disaffected tribe of Tootootna Indians, but they made their escape. The force here is not sufficient, even for self-defense. Send over more men immediately. If a few of the ringleaders were taken, I think tranquillity would be restored.

Yours, in haste,

BIDDLE,
Agent.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,

San Francisco, December 17, 1861.

Brig. Gen. L. THOMAS,

Adjutant-General U. S. Army, Washington, D. C.:

GENERAL: Where the War Department require the officers of the Army to renew their oaths of allegiance I have assumed that all who

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extensive as those of the northern States of Mexico and the Confederate States. Nothing shall be omitted on my part to inaugurate and preserve, as far as in my option, this policy of my Government, and I entertain the hope that reciprocal motives will actuate yourself, sir, and the other high functionaries intrusted with the public affairs of the States of Mexico. Entertaining these views, I regret to be compelled to ask Your Excellency's attention to certain statements which purport to emanate from the public journals of the City of Mexico and Vera Cruz to the effect that by some treaty or convention entered into within the last few months by the Central Government of Mexico and the Federal Government of the United States, the right has been conceded by the former to the latter to march troops and munitions of war across the territories of the Mexican States for the purpose of employing such troops and munitions in the war now pending between the United States and the Confederate States. It is incumbent upon me to ask from Your Excellency an explanation whether or not such a treaty or convention exists, or is recognized and respected by the government of Sonora. If Your Excellency shall apprise me such a right has been conceded to the enemy with whom my Government is at war, and that such a right is respected by the government of your State, the further duty will devolve upon me of informing Your Excellency in a future communication of the consequences which are to be apprehended in case the United States shall attempt to avail themselves of the facilities so afforded them to the injury of the States I have the honor to serve. I consider it proper to communicate officially to Your Excellency, as I have the honor now of doing, the fact that the forces under my command have now and for some time have had full possession of the region of country known as Arizona, and comprising the towns and settlements of the Mesilla Valley. It is no doubt a fact well known to Your Excellency that the settlements of Arizona have been long subject to frequent incursions from the hostile Indians who infest the frontiers to the great injury of your people, as well as ours. These Indians upon committing depredations within one jurisdiction have been in the habit of seeking refuge within the other. It appears to me that a system of co-operation can be easily devised between Your Excellency and myself by which, without the least offense or injury to our respective governments or people, an ample retribution can be inflicted upon these enemies of the human race. I propose to you that the troops of either government shall be at liberty to pursue them within the territory of the other, the pursuing force to report as early as practicable their purpose and strength to the nearest military post of the country within which it shall have entered. By concerted action of our respective forces upon such a basis it would seem certain that these predatory tribes can be effectually subjected or exterminated. Should this proposition meet Your Excellency's concurrence I shall hold myself ready to embody it in any more solemn form that may be preferred by you. During the operations of my army it may become expedient to procure, by purchase from the market of Sonora, supplies for my forces. In that case I entertain the hope that the comities recognized and practiced between friendly governments will be extended to my agents. I would be pleased if Your Excellency would concede to me the right, under such reasonable regulations as you may desire, of establishing a depot in the port of Guaymas, and of transit from thence through the territory of your State. It is easy to see the immense advantages which must in a very brief period accrue to your

suggesting plans of operations, and to say in reply, by direction of the general commanding the department, that the proposed plans are generally approved. As it will be impossible to make any effective movement against the Indians until after the waters subside, the general desires you in the meantime to acquaint yourself with the condition of affairs in the district, of which you are expected to keep these headquarters constantly advised. The court requested has been ordered. In consequence of the absence of Captain Ketcham, the men of his company against whom charges have been submitted will not be tried before the court, but reserved for another, which will be ordered on his return to his post.

Very respectfully, your obedient servant,

RICHD. C. DRUM,
Assistant Adjutant-General.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., January 16, 1862.

Capt. J. C. SCHMIDT,

Second Infantry California Vols., Comdg. Fort Hoskins, Oreg.:

CAPTAIN: Your letter of the 27th ultimo was received a few days since. Your promptitude in repairing to the scene of trouble at the Siletz is entitled to high commendation, and it is to be hoped that it will have a good effect on the turbulent and disaffected of the Indians. Should you be able to get possession hereafter of the ringleaders named, it would be well to have them brought before the civil authority for trial. I am not authorized to furnish subsistence to these Indians, though they obviously require something of the kind. The means should be supplied by the Indian Department, and I presume that the agent at the block-house has made the necessary reports to the superintendent. The second detachment sent from Yamhill at your request should be returned to that post without unnecessary delay. As the box of ammunition you speak of is probably public property, it should be taken up on the ordnance return, with a statement showing how it came into your hands.

I am, captain, very respectfully, your obedient servant,

A. CADY,
Lieutenant-Colonel Seventh Infantry, Commanding District.

HEADQUARTERS,
Fort Yuma, January 17, 1862.

Col. J. H. CARLETON,

Commanding District of Los Angeles, Cal.:

COLONEL: I inclose for your consideration a copy of a letter received yesterday from Mr. Clymer, superintendent of the Arizona Copper Mines; also a slip received by Mr. Yager from Sonoita. Considering the information valuable, substantiating, as it does, certain information received by Messrs. Hinton and Yager, which I forwarded to you on the morning of the 16th, I at once forward the inclosed. The steamer Cocopah, Captain Johnson, arrived here to-day at 3 p. m. with barley from the mouth of the river, the cargo of the schooner Lolita, which was shipped from San Francisco by way of Guaymas, information of the loss of a portion of which (by the steamer Republic) I also forwarded to you. The steamer brings 1,000 sacks of barley. The ordnance is on another

orders for their relief, with the exception of this one—that your camp must not be moved from its present site until all other means fail. In that you must exercise your judgment for self-protection. On receipt of the present, if the difficulties in regard to forage still exist, I would suggest to you to send Lieutenant Wellman with that portion of his detachment which belongs to Company B, First Cavalry, to San Bernardino; also to send the detachment belonging to Company C, First Cavalry, to Camp Latham. This will relieve you of the horses. After retaining two teams for camp purposes you had better send the balance of your train to San Bernardino also. But you will not send either the train or the cavalry to San Bernardino until you get information from the commanding officer at Camp Carleton that they can be supported at that point. I send an express to Colonel Eyre to-night directing him to communicate with you on the subject without delay. Should he be unable to forage the animals, then you may resort to the removal to Temecula, or to such other means of relief as your judgment may dictate. It is out of my power to relieve your wants of trousers for your men, as there are none in the district. Neither are there any means of sending you stationery at present.

Yours, very respectfully,

J. R. WEST,

Lieutenant-Colonel First Infantry California Volunteers, Comdg.

SAN FRANCISCO, CAL., January 16, 1862.

Maj. RICHARD C. DRUM, U. S. Army,

*Assistant Adjutant-General, Department of the Pacific,
San Francisco, Cal.:*

MAJOR: Your letter dated 9th instant, expressive of the commanding general's wishes on the subject of erecting field-works to guard the approaches to this city, was only received yesterday. In answer thereto I beg leave to state that the inclemency of the weather and bodily indisposition have combined to render my attention to the examination of the several localities involved in a reconnaissance of this nature less perfect than I would desire it to be, and consequently that I am not as yet quite ready to place before him a report such as he desires, and which involves not only the avenues to certain localities but a number of estimates. My time has recently, however, been much taken up in the office with the studies of a permanent plan of defense for the grounds on the hill in the rear of the fort at Fort Point. These studies I will lay aside for the present, and will take up at once the report requested by the general commanding, which I trust will in a few days be so framed as to give him the information he desires from this office.

With great respect, I am, major, your obedient servant,

R. E. DE RUSSY,

Lieutenant-Colonel of Engineers.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,

San Francisco, Cal., January 16, 1862.

Col. FRANCIS J. LIPPITT,

Second Infantry California Volunteers,

Comdg. District of Humboldt, Fort Humboldt, Cal.:

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, reporting the arrival of your companies and

prospects of procuring men in the District of Oregon beyond the requirements of the three companies now forming there, it is my intention to provide here for the remaining two and a half companies.

I am, sir, very respectfully, your obedient servant,

JUSTUS STEINBERGER,
Colonel, Commanding.

[Translation.]

ALTAR, March 2, 1862.

Señor Don ANDRES PICO,

Los Angeles, Cal.:

MY ESTEEMED FRIEND: To-day is the fourth day since I received, at the mines of Lowrie, your appreciated favor of February 13, having been sent forward by an express which Don Diego dispatched from Fort Yuma. I could have answered it immediately, but as I had to be absent some days from this town, I concluded to delay it until my return, hoping by the delay to gather some information on the points you desire, but nothing new has occurred since then. There was a rumor in some places that a force of Texans, numbering 100, had arrived for the purpose of joining with the force now in Arizona, and that they had hostile views toward Sonora. In consequence of this the Governor took precautions and ordered the National Guard at — as well as those at San — and likewise those on the frontiers, that they should keep a strict watch upon all persons, so as to avoid a surprise. Since that date up to the present time no such attempt has been made by the force referred to. Nevertheless we will remain at Alaya, notwithstanding that in my judgment their attempts will be merely intentional. By letters not long since received from Mesilla it is announced that a force had arrived from the Southern United States with the object of occupying the Territory of Arizona and protecting it from the incursions of the Apaches, but I repeat that nothing has occurred up to date. We know positively that the small force which I said was on the march was attacked and totally destroyed by another of New Mexico belonging to the North. No other news have we received which merits credence. A small force halted at the Point San Pedro for some days, but, as I said, they returned without advancing a step farther, and even without entering Tucson or other populated places. This is all of which I can inform you with any certainty. If anything should occur hereafter I will communicate it to you as soon as I can find means. We feel deeply the interest which yourself and friends entertain for the well-being of our Sonora, and trust that occasion will not fail to give some proof of our gratitude. I could say something relative to the war waged by foreigners upon Mexico, and also about Sonora, but I omit doing so because by the time you receive this you will receive information from Señor Don Francisco P. Ramirez, who has set out for your city, and he will instruct you fully upon the true condition of this country. Do me the favor to salute affectionately Don Francisco Valle and all my friends in your city, and all of you I hold in the affection of your friend,

JOSÉ M. REDONDO.

I inclose two papers.*

* Not found.

SPECIAL ORDERS, } HDQRS. DIST. OF SOUTHERN CALIFORNIA,
No. 19 } *Los Angeles, Cal., March 2, 1862.*

* * * * *

IV. Lieutenant-Colonel Dobbins, Fifth Infantry California Volunteers, will detach from his battalion Company E, Fifth Infantry California Volunteers, and order it to report to Major Coult, of that regiment.

V. Company E, Fifth Infantry California Volunteers, will be prepared immediately for active field service. All articles not absolutely required by the men will be carefully packed and sent to Camp Drum, near New San Pedro, Cal., for storage.

By order of Colonel Carleton:

BEN. C. CUTLER,

First Lieut., First Infty. California Vols., Actg. Asst. Adj. Gen.

HEADQUARTERS,

Fort Hoskins, Oreg., March 3, 1862.

COLONEL COMMANDING DISTRICT OF OREGON,

Fort Vancouver, Wash. Ter.:

COLONEL: In conformity to instructions received from the headquarters District of Oregon of February 15, 1862, I will as soon as the roads admit re-enforce the command at the block-house to twenty-six men, which is all the available force that I can spare of my company, retaining the detachment from Yamhill at this post per former instructions. Inclosed please find a return of the troops at this place, block-house, and Fort Umpqua, Oreg. This will better enable you to dispose of the several commands as to you may seem best. The return exhibits the distribution after I have re-enforced the block-house, the three extra men of my command at Fort Umpqua, Oreg., one corporal (in charge of) and two teamsters, who left with the commandant, Lieutenant Watson, intending to return with the command of Lieutenant Rives. You will perceive that of the number of privates a large number is required for extra and daily duty, as much so as if there were 100 men at this post. The intensely severe and inclement weather has deterred me as yet from again visiting the reservation. I learn, however, that at present the Indians are rather quiet. The agent informs me that there is a large number of arms in their hands; also from him and through other reliable sources I am told that in some of their wigwams there are as much as eight or ten shooting irons of all descriptions, that their quivers are full of new arrows, and that they intend to make a break early in the summer, if not before. This they all admit, and the agent and farmers on the reservation have told me of it. To disarm those Indians and prevent their escape will require a larger command than is available at present without strategy is used. I would therefore recommend that a subaltern and a detachment of about forty men be kept at the block-house, Oregon, until such times as the agent can procure them, either by planting or purchasing, the necessary subsistence required for their use. About sixty men would be required at this post, as all the necessary supplies for their use must be packed from this post, as there is no wagon road from here to the Siletz block-house. This post is not situated in the right place. The supposition that it guards the only pass to or from the reservation is incorrect. There are at least ten passes. If this post was intended to guard the reservation it is a fallacy, and should be moved for more reasons than

one, and in this connection permit me to inclose you a letter received from the Indian agent in that respect after my last visit to the reservation. The distance, thirty-five miles, renders it inadequate to promptly render the assistance required in case of a sudden outbreak, as was the case last December. There is also a ground rent of \$300 per year paid for this site. Again, it is environed by polluting tipplers, which occasions a great deal of trouble to the men at the post. There they would be free from that, as no intoxicating drinks could come near them on the reservation. This movement, however, could not be effected this coming year, but a start could be made toward it, for to repair this post properly would cost nearly as much as the building of a new one at that place. The water pipes have to be taken up and thoroughly repaired. The stable, being built on the river-bank, must be removed, as it has several times, even to-day, been endangered by the freshets. The foundations of the public buildings are fast going to decay, especially the store-house and men's quarters. Nor can the hospital be made comfortable unless a new one is built. In a former communication you mentioned about turning the ringleaders of the Indians over to the civil law. I am at a loss to know how they can be punished by that law. Will you please enlighten me on that subject, as I have no U. S. laws for my guidance? I had supposed that they might be sent to the Presidio, as was Old John. To confine them here and feed them is all that they wish, and to prevent that I prefer to chastise them and let them go, as I did three who passed out to the settlements without a pass. I have directed Lieutenant Campbell to proceed to Vancouver with Sergeant Miltenberger, whom I would respectfully recommend to the clemency of the colonel commanding the district, as he has conducted himself remarkably well since his confinement on the 8th of December, 1861. In this recommendation I am also joined by the lieutenant aforesaid.

Very respectfully, your obedient servant,

JOHN C. SCHMIDT,

Captain, Second Infantry California Volunteers, Commanding Post.

[Inclosure.]

SILETZ INDIAN AGENCY, *December 24, 1861.*

Captain SCHMIDT,

Commanding Fort Hoskins:

SIR: I avail myself of a few leisure moments to again address you on such points as I deem of essential interest to the welfare and peace of this reservation. But before doing so permit me to thank you sincerely for the promptness with which you rushed to my assistance when I made a call on your command on the 15th instant. At the time the messenger started off I anticipated from the appearance of things that serious troubles might arise at any hour, and over which I was powerless to act, as the force at the block-house was only sufficient for the protection of that place. Your timely arrival here undoubtedly cowed the disaffected and prevented bloodshed. Aside from this it showed the Indians that there was still a Government and a power dangerous to resist, stories of secessionists to the contrary notwithstanding. Although the object of your mission was in part a failure, yet the effect has been a good one, and may lead to many good results. Your visit here has some connection with the proposition and suggestions which I will here make to you. In your march from Fort Hoskins to this place you were not insensible and unobservant of the many difficulties under which a military force accomplishes the task of reaching this

point, the only road to which is a mule trail over barren and rugged mountains, through deep and rocky cañons, crossing bridgeless swamps and swift mountain streams, and the trail itself worn out and filled with the fallen timber. Your military eye undoubtedly saw how easy a few hostile Indians could have guarded the passes and cut off your entire command, but you reached here in safety, though much fatigued. I will not further speculate upon what was visible to your own vision, but will come at once to the main proposition, and that is that Fort Hoskins should be abandoned and a similar post established here. In support of this proposition it might be shown that said fort as now located affords no protection to this agency, and much less to the white settlements in the Willamette Valley. It is a well-known fact that there are numerous ways of passing and repassing the fort by other trails than the one spoken of, so that Indians so disposed could commit depredations on the settlements with comparative safety, so far as the military is concerned. The fort, therefore, as now located is a failure. It is not there, but here, that protection is needed. Again, it can be shown that a military force can be subsisted and supplied at a much cheaper rate here than at Hoskins. Eight miles from this place is a broad and deep body of water named Yaquina Bay, connected with the ocean by a comparatively deep and wide channel, with sufficient water at low tide to admit the largest class of vessels called schooners. Supplies can be landed here through said channel either from Portland or San Francisco at not to exceed \$30 per ton during winter months, and not more than \$25 per ton in summer months; whereas, via Portland, Corvallis, and Hoskins it cannot be carried for less than \$150 per ton. It is through this channel that this agency has been supplied for the last five years. It can also be shown that the cost of repair for the buildings at Hoskins will be equal, if it does not exceed, in amount the construction of new ones here. There is a saw-mill now here in operation of sufficient capacity to supply any demand for the purposes proposed. Timber is plentiful and convenient and land rent nothing. Indian labor could be procured in any amount at very cheap rates. The post once established here would insure peace and tranquillity among these Indians and would obviate the necessity of land communication, and of maintaining two posts, as is now the case. At any rate, if this is not done the force here must be largely augmented. I have the most convincing proofs that the Indians intend so soon as the winter is over to make an outbreak, leave this reservation, and make their way down the coast to Rogue River, their former country. If these suggestions are heeded in time a bloody, savage, and expensive Indian war may be obviated.

Hoping that you will immediately communicate the proposition and suggestions to your superiors, and take such other measures as you may deem best to further the ends proposed above, I remain, yours, truly,

B. R. BIDDLE,
Indian Agent.

HEADQUARTERS DISTRICT OF SOUTHERN CALIFORNIA,
Los Angeles, Cal., March 4, 1862.

Maj. D. FERGUSON,

First Cavalry California Vols., Comdg. at Camp Carleton:

MAJOR: I send you some blank post returns and a few company monthly returns, all that can be spared from these headquarters. Make your applications for such blanks as you may require to the proper

By giving these matters your attention at your earliest convenience, you will confer a special favor on very respectfully, your obedient servant,

GEO. S. EVANS,
Lieut. Col. Second Cavalry California Vols., Comdg. Battalion.

P. S.—Two of the horses that came down are so badly injured that I will have to have them shot.

SPECIAL ORDERS, } HDQRS. HUMBOLDT MILITARY DISTRICT,
No. 67. } *Fort Humboldt, June 6, 1862—Midnight.*

1. Second Lieutenant Davis, Second Cavalry California Volunteers, will proceed immediately to Daley's Ferry with a detachment of fourteen men of Company E, Second Cavalry California Volunteers, on a scout in search of the Indians that have committed the depredations at that place.

2. The commander at Fort Lyon will immediately furnish any assistance which may be required by Lieutenant Davis to facilitate him in his operations.

* * * * *

By order of Lieut. Col. J. N. Olney:

JOHN HANNA, JR.,
*First Lieut. and Adj. Second Infy. California Vols.,
Actg. Asst. Adj. Gen., Humboldt Military District.*

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., June 6, 1862.

ASSISTANT ADJUTANT-GENERAL,

Headquarters Department of the Pacific, San Francisco, Cal.:

SIR: I have the honor to acknowledge the receipt of communications from department headquarters under dates of the 12th, 16th, 20th, 19th, and 27th ultimo. As previously advised, Colonel Cornelius and staff with two companies of his regiment have left for Fort Walla Walla. They were heard from a few days since as far as Umatilla River and progressing in good condition. They have no doubt been at Fort Walla Walla some days. Four companies of this regiment are now at Camp Clackamas, below Oregon City, completing their company organization in compliance with orders from these headquarters, and awaiting their arms and clothing preparatory to moving to Fort Walla Walla. The order for Lieutenant-Colonel Maury to leave one company of his battalion at Jacksonville did not reach him until he was so far advanced on his march toward his present camp as to find it impracticable to send the company back. Presuming that you are already informed as to the non-compliance of Lieutenant-Colonel Maury with the order referred to, and in the absence in this office of instructions, I await further orders. If the demand for troops at Jacksonville could be supplied from any other source, and in view of the very probable demand for all of these companies east of the Cascades, I recommend that the four companies be permitted to move to Fort Walla Walla. Under date of the 17th ultimo I requested the approval of the commanding general to the assignment of Lieutenant Hughes, Ninth Infantry, as acting assistant

adjutant-general at these headquarters. I have respectfully to renew the request and report increasing necessity for his services in that capacity.

In obedience to your instructions dated 27th ultimo, J. C. Ainsworth, president of the Oregon Steam Navigation Company, has been advised of the consent of the commanding general to the construction of a railroad over the military reserve at Fort Cascades. A clause in the communication of the general commanding refers to the "preparation for service of the three companies of the First Washington Territory Infantry to take the place of three companies of the Second California Infantry, required at Fort Humboldt to relieve the same number of companies of the Third California Infantry under orders for the protection of the Overland Mail Route." The four companies of First Washington Territory Infantry now at this post are rapidly progressing in all the soldierly qualities to fit them for any service. Under the careful and judicious direction of Major Lugenbeel, commanding the post, a high degree of military efficiency has been attained, and I feel no hesitation in intrusting both officers and men at distant posts. I regret very much that the movement involves the withdrawal from this district of Major Curtis from Fort Colville. The period of my command of this district, although short, has highly impressed me with his admirable qualities as a soldier. I propose, in compliance with the wishes indicated in the commanding general's letter, to relieve this officer by Major Rumrill, with two reliable companies now at this post. The distance between here and Fort Colville will of necessity involve some time in making the required disposition, and in view of the demand mentioned for the peculiar service of the Third Infantry and my own impressions for dispatch, the movement will be promoted at once. The third company of Second Infantry California Volunteers is at Fort Hoskins, &c., occupying a peculiarly important position. The relieving of this company, with some intelligence of the complicated duties of its officers, will be referred to in another communication.

I am, sir, very respectfully, your obedient servant,

JUSTUS STEINBERGER,

Colonel First Washington Territory Infantry, Comdg. District.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., June 6, 1862.

ASSISTANT ADJUTANT-GENERAL,

Headquarters Department of the Pacific, San Francisco, Cal.:

SIR: In pursuance of directions from the commanding general of the department, Company B, Second Infantry California Volunteers, at Fort Hoskins, will be relieved by Company D, First Washington Territory Infantry, Captain Seidenstriker. I have selected this company, composed almost entirely of Germans, for duty at that place from my impression of their entire reliability in the trusts involved. The officers are intelligent, worthy, and well informed, and the men particularly subordinate. A detachment of the company at present posted at Fort Hoskins is now serving at Fort Umpqua, and should this latter post be deemed of sufficient importance it will be necessary to relieve it. I have recently been in communication with well-informed persons from that section of country (among others Major Alvord, lately returned from Fort Umpqua), and am impressed of the entire inutility of a military force of any size at the mouth of the Umpqua. When first established it was the thoroughfare of the Indians from the reservation on

Alsea River to Port Oxford, and on account of hostilities then existing near the latter place served no doubt a valuable purpose. The Indians altogether incapable of any outbreak, besides on the reservation they are contented, peaceable, and all engaged in the cultivation of lands which they consider their proper homes. The trail that Fort Umpqua professes to guard is not used by Indians and has not been for some time. Fort Umpqua serves no other purpose for military defense or protection, and from its position entails upon the Government an unwarranted expense. I have respectfully to recommend that on the withdrawal of the detachment of Company B, Second California Volunteer Infantry, under Lieutenant Watson, the post be abandoned and the public property be put in charge of an employé of the quartermaster's department. Should any necessity occur in the future for the presence of troops at that point, it can in the fall of the year be promptly supplied from Fort Hoskins. The company at Fort Hoskins will be of necessity divided, part required at the Siletz Reservation. A further division will seriously impair the efficiency of the company.

Trusting to have the decision of the commanding general on the subject, I am, very respectfully, your obedient servant,

JUSTUS STEINBERGER,

Colonel First Washington Territory Infantry, Comdg. District.

HEADQUARTERS DISTRICT OF OREGON,
Fort Vancouver, Wash. Ter., June 6, 1862.

COMMANDING OFFICER AT FORT HOSKINS, OREG.:

SIR: The colonel commanding directs me to notify you to hold yourself in readiness with your command to be relieved from Fort Hoskins at an early date. You will therefore instruct the commanders of the detachments from your company at the Siletz Reservation and Fort Hoskins to be ready to be relieved at short notice.

I am, very respectfully, your obedient servant,

WM. B. HUGHES,

First Lieut. Ninth Infantry, Acting Assistant Adjutant-General.

ies 1, Vol. 50, Pt. 1, 1897

KERN RIVER INDIANS

386

OPERATIONS ON THE PACIFIC COAST.

[CHAP. LXII.]

CAMP BABBITT, *Near Visalia, Cal., April 8, 1863.*

Col. R. C. DRUM,

Asst. Adj. Gen., Dept. of the Pacific, San Francisco, Cal.:

SIR: I have the honor herewith to forward a petition from citizens of Keysville and vicinity asking military protection from Indian depredations. Captain McLaughlin will leave this camp on the arrival of the detachment of Company E, which will accompany him to join their company at Owen's Valley. They are expected to arrive this evening, and will leave on Saturday or Sunday morning, passing by the way of Keysville through Kern River Valley. The captain will halt a few days in the upper end of the valley, where the difficulties are said to exist, and investigate the matter, and if the position of the Indians should be found as favorable as represented, if deemed advisable will give them battle. The captain will have about forty men, with arms to arm twenty more. This, with the number of citizens that will join him from Keysville, will give him a force sufficient to handle any number of Indians that he will be likely to meet at that place. This camp will be left with a small force, which will make it inexpedient to send a detachment a great distance. If it is necessary to keep troops at this camp, the number after Captain McLaughlin's departure is quite small enough without further decimation. An infantry company could be used to good advantage at this post. It would give the cavalry an opportunity of scouting through the country, preventing, breaking up, or inquiring into the cause and object of the organization of those armed parties that are gathering in the southern part of this county, and, we have reason to believe, have committed several robberies in the vicinity of White River and Kern Lake. There is no doubt of an organized movement among the disloyal people of this part of the State, for what purpose I am unable to find out. I have information of thirty-seven of them being together near Kern Lake, with quite a number of Government horses with them, which would be sufficient excuse for the military to take the matter in hand. I last heard of these men at or near Fort Tejon, and from a letter intercepted here they seem to be moving south toward Fort Yuma. Had I sufficient force I should send out in the direction of these parties and scour that part of the country and ascertain the meaning and intentions of those armed bodies of men, and recover, if possible, the Government property. If there is any part of this State that should be patrolled, it is the southern tier of counties, for there is no county in the State that offers such facilities for the organization of lawless bands of thieves and outlaws, and there is no country on earth that can furnish more and better material, according to its inhabitants, than this tier of counties can for purposes of that kind. This would be a very good field for Company F to operate in if it could be spared from Camp Union.

I am, very respectfully, your obedient servant,

WM. JONES,

Lieutenant-Colonel, Commanding Camp Babbitt, near Visalia, Cal.

SPECIAL ORDERS, } HEADQUARTERS DISTRICT OF OREGON,
No. 29. } *Fort Vancouver, Wash. Ter., April 8, 1863.*

I. Captain Barry's company (G) First Washington Territory Infantry, will repair by water from Fort Steilacoom to Fort Vancouver, Wash. Ter. Asst. Surg. C. M. Steinberger, First Washington Territory

Rebellion Records
Ser. 1, 50: Pt. 2, 1897.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., April 7, 1863.

Col. HENRY M. BLACK,
Sixth Infantry California Volunteers,
Commanding Benicia Barracks, Benicia, Cal.:

SIR: Two companies of Lippitt's regiment have been ordered to proceed to Benicia Barracks. It is thought that this with the force already there will be sufficient to protect the public property in depot and hold that point, so important as a military one. Should it, in your judgment, be necessary to increase your present force before the arrival of the troops from Humboldt, a company of infantry will be temporarily attached. Your views on this subject are desired at your earliest convenience.

Very respectfully, your obedient servant,

R. C. DRUM,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., April 8, 1863.

Capt. THOMAS O. SELFRIDGE,
Commandant Navy-Yard, Mare Island, Cal.:

CAPTAIN: I have received your communication of the 6th instant. I have just written to Colonel De Russy, chief engineer, asking him to send Lieutenant Elliot to Mare Island to assist you in selecting suitable points for batteries. The Engineer Department will also examine Yerba Buena Island and Rincon Point with the view of establishing batteries. I shall take great pleasure, captain, in keeping you advised of anything of importance which may come to my knowledge.

With great respect, I have the honor to be, your obedient servant,

G. WRIGHT,
Brigadier-General, U. S. Army, Commanding.

FORT RUBY, NEV. TER., April 8, 1863.

Lient. W. L. USTICK,
Acting Assistant Adjutant-General, District of Utah:

LIEUTENANT: I have the honor to inform the general commanding that Lieutenant Quinn, with his detachment, arrived this noon, having seen no Indians on his route, although he left the road in several places and scoured the country for a distance of twenty to thirty miles. As soon as his horses are rested I shall send him in another direction. I am very much in need of a blacksmith, as there is none at the post, and some ten or twelve of the cavalry horses need shoeing very badly, and it is impossible to procure one in this vicinity. Inclosed I send a copy of Special Orders, No. 87, Department of the Pacific, received this day.*

Very respectfully, your obedient servant,

P. A. GALLAGHER,
Major Third Infantry California Volunteers, Commanding Post.

* See April 2, p. 378.

Soda Springs, Idaho Ter., and the establishment of a post for the protection of emigrants and mail.* The report contains much valuable information as to the character and resources of the country traversed.

Very respectfully, your obedient servant,

G. WRIGHT,
Brigadier-General, U. S. Army, Commanding.

CAMP BABBITT,
Near Visalia, Tulare County, Cal., June 27, 1863.

Col. R. C. DRUM,
Asst. Adjt. Gen., Dept. of the Pacific, San Francisco, Cal.:

SIR: I have the honor to represent that unofficial information has come to my knowledge of the disloyal practices of the people of the town of Millerton, the county seat of Fresno County, sixty miles north of this camp. I am informed that there is not a loyal man in the place. I am also informed by reliable Union men that upon the receipt of the news that the rebel army under Lee had crossed into Maryland and Pennsylvania they celebrated the occasion by a public demonstration, in which all joined (of both sexes), by firing a Confederate salute and other demonstrations expressive of their joy at the defeat of the Federal arms (or what they term a Federal defeat) and the successes of Jeff. Davis, cheering for them and groaning for the United States Government and its officers. They went so far as to use violence to a young man (who is loyal) who happened to be there from King's River on business. They also have been in the habit of insulting while on their way to and from San Francisco (they being compelled to stop at this place over night) by disloyal acts and conversation. This county is the resort of bad men. The people boast that they have neither a common school nor a church in the county. What makes the case still more aggravating is the fact of the majority of the people in the town of Millerton being Eastern people. In view of these facts, I would suggest for the general commanding the propriety of reoccupying Fort Miller with a company or detachment of cavalry. The fort is now occupied by the families of disloyal men, with one exception, using the buildings as dwelling houses. In my opinion the presence of a cavalry company would have a moral influence upon their conduct toward the Government and its officers. I would also in this connection suggest the propriety of reoccupying Fort Tejon with a company of cavalry. It is also located in the midst of a disloyal people; also near hostile Indians, they having recently robbed and murdered several persons in Kelso Cañon and in Kern River Valley, which is within supporting distance of Fort Tejon. Had this post been occupied last spring it could have operated against the Indians on Upper Kern River and Owen's River much easier than from this post. It would also have prevented the organization of the band of robbers and thieves who left this and adjoining counties after stealing many thousand dollars' worth of property from Union men while passing through the country, and having in their possession several Government animals and other property stolen by deserters, several of which formed this band. Many of this band of thieves and desperadoes have found their way into Texas, while others, one of whom lately killed and wounded another near Fort Mojave, are depredating in the lower country. I judge from the amount of forage

* See June 2, Part I, p. 226.

ordered to be purchased at this and Camp Independence that it is designed to keep four companies at the two posts. It would, in my judgment, have a better influence upon the country, and also upon the hostile tribes of Indians in the adjacent country, to station one company at Fort Miller, one at this camp, one at Fort Tejon, and one at Camp Independence. By this arrangement a line of posts would be formed from Mariposa County to New San Pedro, extending through those secession counties bordering upon the Indian country, which would be in supporting distance of each other, requiring no additional force from that contemplated at this and Camp Independence, and requiring but little if any additional expense, as those posts are owned by the United States, and are in very [good] state of preservation, unless it should be the natural leakage of four instead of two quartermasters. I could urge many reasons why those additional posts should be occupied; but not desiring to trouble the department with further suggestions, I beg leave, most respectfully, [to submit the above] for your consideration.

Very respectfully, your obedient servant,

WM. JONES,

Lieutenant-Colonel Second Cavalry California Vols., Comdg. Post.

HEADQUARTERS HUMBOLDT MILITARY DISTRICT,
Fort Humboldt, Cal., June 27, 1863.

Lieut. Col. R. C. DRUM,

Asst. Adjt. Gen., Department of the Pacific, San Francisco, Cal.:

COLONEL: Companies A and K, Second Infantry California Volunteers, leave here this day for Benicia by the steamer Panama. Your letter of June 20 was received on the 25th instant. In conformity with the spirit of previous instructions from your headquarters the command at Fort Gaston, consisting of Lieutenant-Colonel Olney and Company K, Second Infantry California Volunteers, had already reached Fort Humboldt to be in readiness to embark, having been relieved at Fort Gaston by Captain Ousley's company (B) of the Mountaineer Battalion. As the sending of Company I back to Fort Gaston would leave Fort Humboldt, with its Indian prisoners and large amount of public property to be guarded without any garrison whatever I detain it here until further instructions from your headquarters. The Ukiah company of mountaineers ordered hither by Department Special Orders, No. 136, current series, had only thirty men enrolled on the 18th instant, and Lieutenant Emory reports it to be very uncertain when its organization will be completed. The Weaverville company still remains at thirty-one men. I earnestly recommend that Company I, Second Infantry California Volunteers, be not sent to Fort Gaston. It is not needed there, Captain Ousley's large company being an amply sufficient garrison. Lieutenant-Colonel Whipple has admitted to me that he will have to keep always one-half of the company in garrison while the other half is scouting, or else give up the country to the Indians during the period that the entire company would have to be reposing, thus continuing the same system for which I have been so constantly abused in this district.

I am, colonel, very respectfully, your obedient servant,

FRANCIS J. LIPPITT,

Col. Second Infty. California Vols., Comdg. Humboldt Mil. Dist.

Rebellion Records
Ser. 1, 50: Pt. 2, 1897.

SOLDIERS IN INDIAN WARS, IN CALIF. 1850-55
ENTITLED TO BOUNTY LANDS

The following letter was published in
the Marysville Weekly Express, Dec. 19, 1857.--

Washington City
Nov. 19th, 1857.

My Dear Sir: It will be of interest to
those who served in any of the several
Indian Wars of our State, from 1850 down
to 1855, to learn that the Commissioner
of Pensions has resognized their claim to
bounty land under the act of Congress,
3d March, 1855; and that by making applica-
tion in proper form to his office, a warrant
of 160 acres in each case will be issued.
Will you be good enough to notice this
publicly?

Very truly yours,

Jos. C. McKibben

Notes of CHM re killing of Flathead Indians

1908

THE KILLING OF FOUR FLATHEAD INDIANS BY A DEPUTY GAME WARDEN.

On October 22, 1908, the newspapers contained a sensational and exceedingly inaccurate account of the killing of four Indians in western Montana by Deputy Warden Charles B. Peyton and his companion, a ranch hand named Herman Rudolph. It was stated that Peyton was killed in a fight with Indians while attempting to arrest them for violating the game laws of the State.

During a recent visit to the Flathead Indian Reservation in the interests of the Montana National Bison Range, I took particular pains to secure the actual details of this most lamentable affair.

The shooting occurred in Swan River Valley, directly east of the Reservation, where a party of eight Indians had gone on their annual hunt. The party consisted of two hunters, Kahmel and Tsooe, with their wives and Tsooe's two children--a girl of five, and a boy between twelve and thirteen whose name was Palasoway. They took with them, as is the custom of Indian camping parties, an old camp man--a man whose business was to remain in camp with the women. This man's name was Yellow Mountain. He was 72 years of age and nearly blind. His wife accompanied him. Before setting out, the old man obtained a permit from the Indian Agent to leave the Reservation.

The three others--Kahmel, Tsooe, and Tsooe's boy--each purchased a hunting license, entitling the holder to kill one sheep, one goat, one elk, and three deer.

One day about the middle of October (said to have been October 16) when the men were off hunting, Peyton, a Deputy Game Warden,

accompanied by the ranch hand Rudolph, visited the camp and asked to see the hunters' papers. He was told that the men had their papers with them but would show them to him if he would return when they were in camp. The next day he and his companion came back a little before noon. They entered both lodges and turned everything over, examining the contents, doubtless for the purpose of ascertaining just how much game had been killed. The hunters were again absent but had left their licenses, which were shown the Warden by the women. The men went away but returned again about sundown the same evening. This time the hunters were in camp. It was the first time they had seen the Game Warden. He asked to see Yellow Mountain's paper, whereupon the old man dug into his pocket and produced his permit to leave the Reservation. Peyton looked at this paper and threw it back in the old man's face telling him it was not a license and was no good, and that he had a right to kill anyone, Indian or white man, who was found on the hunting ground without a license. The old man did not understand English and made no reply. The Warden then told Kahmel that he had better go home, but that Tsooe and the boy could hunt more if they wanted to.

During the evening the Indians talked the matter over and made up their minds that as the Warden had already visited their camp three times he meant to make them trouble and they had better leave, so they decided to pull out at daylight in the morning. The women therefore made ready for an early start, and at break of day the men set out to hunt the horses. Some of the horses had strayed so that there was delay in finding them. They were found, however, and

brought into camp about sunrise.

The four guns were stacked against a tree. The riding horses were saddled and tied to bushes. Then the pack horses were saddled and packed. Kahmel had taken his gun from the tree, and the members of the party were on the point of mounting to ride away when a shot was heard close by. The Indian women exclaimed that it must be the white man coming back. This proved to be the case, for the next moment Peyton stepped into camp, accompanied by the ranch hand, Rudolph, who had been with him on the previous visits.

Addressing the Indians, Peyton said: "What are you doing?"

Kahmel, standing by his horse ready to mount, with the bridle rope in his left hand, and his rifle in its sheath under his right arm, replied: "We are going home. You said I had better go home, and we are all going home."

Peyton, pointing his finger at old man Yellow Mountain, said: "No! No! That man is not going." He thereupon raised his rifle, and Kahmel's wife, seeing that he was about to shoot, called to her husband to look out, that the man was going to shoot. Kahmel, whose face was turned away from the Game Warden at the time, immediately stepped around to the other side of his horse. The Warden instantly stepped where he could see him and without a word fired. The bullet struck Kahmel in his left arm and passed through his chest, killing him instantly. The Warden raised his gun again and shot old man Yellow Mountain, who at the time was helping his aged wife upon her horse. Like Kahmel, he fell dead at the first shot.

Tsooe's wife called out to her husband: "Lets grab his gun before he kills us all," and rushed forward. At the same time

her husband, unarmed, ran toward Peyton from the opposite side. Peyton, seeing the woman almost upon him, swung his gun around and fired hastily. She ducked and the ball passed over her head. Then, seeing Tsooe rushing at him from the opposite side, he whirled and fired. Tsooe at the same time ducked his head, but the bullet struck him in the back of the neck and plowed down the full length of his back, laying the bone bare as if he had been split open with a broadax, killing him instantly.

During the few seconds in which all this was happening no one had noticed the boy, Palasoway. He, however, on seeing the Game Warden murdering his people, had evidently rushed to the tree where the three guns were standing, seized his rifle and turning quickly fired and killed the Game Warden. At this, the man Rudolph, who was standing near by, instantly shot the boy, two balls striking him at the base of the neck, in front. Seeing him fall, his mother ran to him and raised his head on her lap. He lifted his eyes and tried to speak, but could not, and expired, with blood and froth, as his mother told me, pouring out from two holes in his throat and chest.

The man Rudolph then disappeared and was not again seen by the Indians.

Mrs. Tsooe was so overcome with grief that at first she declared she would never leave the dead bodies of her husband and son, but the broken-hearted cries of her little girl and the entreaties of the other women finally prevailed, and after covering up the bodies, the three women and child traveled a number of miles through the woods to the camp of another Indian. This Indian returned with them to the scene of the tragedy, but owing to the distance

they were overtaken by night and did not reach the place until early in the morning. I afterward talked with this man about the details of the affair; his story agreed exactly with that of the Indian women. I asked him where he found the guns. He replied that Kahmel had fallen on his, which was still in its sheath; that two guns were still standing against the tree where the Indians had placed them when saddling their horses; and that the fourth gun lay on the ground close to the boy.

.....

I was told by a number of white men in the region that Peyton was a surly, overbearing man, usually insulting in his attitude toward hunters whose camps he visited, and utterly unfit for a position of responsibility. Several stated openly that they expected to hear that he had been killed, but not by an Indian.

I was told by both Indians and whites that Kahmel and Tsooe, the two hunters who had been killed, were among the best men on the Reservation. They never gambled, never drank, never quarreled, but were kind and industrious and set an excellent example to the other Indians. One of them, Tsooe, had a small ranch in Mission Valley which he cultivated.

The Indians were quiet, peaceable, and sober and had done no wrong. They had not killed as much game as they were entitled to by their licenses. The only irregularity on their part seems to have been that the old man, Yellow Mountain, had no license to hunt. Kahmel explained to the Warden that the old man was too old and feeble to hunt, and that he was so nearly blind that he could not possibly see to hunt, and consequently had not taken a license. This seems to have angered the Warden, who obviously was looking for a pretext to make trouble.

C. Hart Merriam

California Indians : Citizenship

80/18

c

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Miss Mary Goss
Americanization.

San Diego Women's Civic Center

Headquarters, ~~H. S. Grant Hotel~~
Chamber of Commerce.
San Diego, California

June 18, 1920.

Dr. C. Hart Merriam,
Research Associate Smithsonian Institution,
Washington, D.C.

Dear Sir,-

Your letter of June 1, thank-
ing me for sending Indian
resolutions, is at hand.

The resolutions were passed
at a Civic Center mass meeting
on Jan. 9, 1920, following an
address by Chief Red Fox.

I am pleased to send you
the date omitted from the
resolutions.

Mrs. S. M. Marsh,
Corresponding Secretary

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AUXILIARY ORGANIZATION
MRS. JESSE SHREVE
PROGRAM

Miss Mary Goss
Amirantation

San Diego Women's Civic Center

Headquarters, H. S. Grant Hotel

San Diego, California

May 19, 1920.

Dr. C. Hart Merriam,

1919 16th St.

Washington, D. C.

Dear Sir,-

I am enclosing a copy
of the resolutions as requested.
Many organizations endorsed
the resolutions as presented by
Chief Red Fox.

Since adopting the resolutions
perhaps hastily - our organiza-
tion is probing Indian affairs
in California.

Very truly yours,

Mrs. S. M. Marsh

Corresponding Secretary

Added

Executive Board

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MRS. JESSE SHREVE
PROGRAM

Miss Mary Goss
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San Diego Women's Civic Center

Headquarters, H. S. Grant Hotel

San Diego, California

Whereas, The status of the American Indian has never been fully defined by the United States Congress, which results in confusion, discontent and injustice, and

Whereas, In the recent world war, out of a total population of approximately 335,000 American Indians there were nearly 10,000 volunteers for the army and navy who were found serving our Government efficiently in nearly every branch of the service, and in every rank up to and including that of major, and

Whereas, The American Indians have further shown their loyalty and patriotism by purchasing over sixty million dollars worth of Liberty Bonds and by contributing about \$2,000,000 to the American Red Cross and similar relief work, and

Whereas, The American Indians are native born Americans - not aliens, but 100 per cent Americans and fought for the protection

Executive Board

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MRS. F. W. HAMAN
PRESIDENT

MRS. JESSE H. SHREVE
FIRST VICE-PRESIDENT

MRS. HOWARD C. DUNHAM
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GOOD ROADS

MRS. WM. JOHN SCHOOL
MEMBERSHIP

MISS ALICE LEE
AUXILIARY ORGANIZATION

MRS. JESSE SHREVE
PROGRAM

San Diego Women's Civic Center

Headquarters, U. S. Grant Hotel

San Diego, California

"
of Old Glory" in the Civil War
to help free the Negroes and
in the late war for America's
freedom and the freedom
of the world. Now, therefore,

Be it resolved, That we hereby
respectfully petition the United
States Congress to grant to all
American Indians in the United
States full citizenship and to
abolish the Indian Bureau system.

Be it further resolved, That copies
of these resolutions be sent to the
President of the United States, to the
Speaker of the House of Representatives,
and to the U. S. Senators and
Representatives from California.

Resolutions requested
These resolutions were
presented by Chief
Red Fox

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

March 31, 1920.

Mrs. F. W. Haman,
President, San Diego Women's Civic Center,
San Diego, California.

My dear Mrs. Haman:

I have received a copy of the resolutions adopted on January 9, 1920, by the Women's Civic Center of San Diego, California, relative to the status of the American Indian, and, from inaccurate statements therein, I cannot feel that your organization gave the matter careful consideration.

Confusion as to the legal status of the Indian rests largely with those who have not studied the subject. The general allotment act of 1887, providing for the allotment of lands in severalty, with the amending provisions of the Burke act of 1906, made the issuance of a fee-simple patent the primary legal requirement for citizenship of Indians, but also provided for the citizenship of any Indian by his voluntary separation from tribal relations and the adoption of the habits of civilized life. The later act of June 25, 1910, also provides for the allotment of lands to Indians from the public domain with the issuance of a fee patent as provided for in the case of reservation allotments.

Under my administration the Indian Bureau has made special effort to extend citizenship to the Indians and prepare them for its duties and responsibilities. In the declaration of policy issued April 17, 1917, I announced that every Indian as soon as found to be competent to transact his own business affairs would be given full control of his property and have all his land and moneys turned over to him, after which he would no longer be a ward of the Government. In furtherance of this movement, on March 7, 1919, I instructed the Superintendents of the various reservations as follows:

Recd. from Commr. Cotts Sells, April 29, 1920.

You are requested to submit to this Office, at the earliest practicable date, a list of all Indians of one-half or less Indian blood, who are able-bodied and mentally competent, 21 years of age or over, together with a description of the land allotted to said Indians, and the number of the allotment. It is intended to issue patents in fee-simple to such Indians.

Under this broadened policy Indians, both mixed and full-bloods, are being released from Government supervision as rapidly as their condition warrants. Whenever an Indian is found to be as competent as the average white man to transact the usual vocations of life, he is given a patent in fee, full control of his lands and moneys, and made a citizen of the United States. About 225,000 allotments of land have been made to Indians and during the last three years 10,956 fee-simple patents have been issued, or 1,062 more than in the ten years preceding.

I have, however, gone further and taken the position that the citizenship of Indians should not be based upon their ownership of lands, tribal or in severalty, in trust or in fee, but upon the fact that they are real Americans, and favorable report has been made on a bill introduced in Congress having for its purpose the conferring of citizenship on all Indians but retaining control of the estates of incompetents.

I am fully convinced of the wisdom of this restriction and that competency must precede the control of property otherwise great injustice would follow to thousands of Indians.

In this connection I said in my last annual report:

Of the large number of Indians still under the supervision of this Bureau, it should be understood that more than 75,000 are situated

practically the same as the reservation Navajo, Hualapai, Hopi and Apache, whose property cannot now, nor for many years to come, be wisely allotted. There are thousands of full-bloods and near full-bloods whose landed interests and whose personal possessions and prospects are suggestive of a capacity for independent self-support, but who are not qualified to withstand the competitive tests that would follow a withdrawal of federal guidance. To abandon these at the point in their progress where elementary requirements are shaping into self-reliance and a comprehension of practical methods, would be to leave them a prey to every kind of unscrupulous trickery that masks itself in the conventions of civilization.

I shall not be outdone by anyone who would hasten Indian progress by the extension of release and obligation to those who are ready for this status, nor shall I be swerved from what I believe to be a course of just aid and protection to the less fortunate and less progressive Indian.

It is not necessary in establishing the patriotic and heroic part of the Indians in the world war to make such unwarrantable statements as that they purchased over sixty million dollars worth of Liberty Bonds. I feel that their actual investment of \$25,000,000 in this way is a magnificent showing. No one questions the war-time evidence of the Indian's Americanism or that it carries great weight in the plea for his citizenship, and you are advised that a bill approved by this bureau, which became a law in October 1919, provides that Indians who served in the military or naval establishments of the United States during the war against Germany and who have been honorably discharged may be granted full citizenship by courts of competent jurisdiction.

Few things have been more obstructive to Indian welfare than the professional agitator who claims the abolishment of governmental supervision as the salvation of the Indian. There would be no wisdom in the withdrawal of federal supervision over all Indians at this time. The result would be that a large number of old or incompetent

Indians would soon be fleeced of their property and thrown upon the states as paupers and mendicants and public protest against neglected conditions would surely and shortly follow. Such procedure would be unwise, unjust and indefensible.

The Indian Service has been aided by sincere and sane criticism, for which it is grateful, but its work is too often seriously impeded through misrepresentations to the public by speakers and writers of superficial knowledge or excessive zeal, and what is more unfortunate, by selfish adventurers of both the white and Indian races who are chiefly concerned for personal gain and who seek a condition that would enable them to profit at the expense of those who, if unprotected, would be duped by their clever rapacity. These go to the people, perhaps with imposing testimonials, and with ready-made resolutions to be presented in fluent and picturesque rhetoric, probably followed by a collection to cover "necessary expenses". They should meet with a conservative reception. The public should be led by no one to draw conclusions from less than careful and impartial inquiry.

The Indian is moving forward. He is progressing numerically. His population is greater than at any time in the last half century. He is improving in health and knowledge of how to keep well. He is accepting hospital facilities that have been more than doubled in the last seven years, as shown by an increase of 10,000 patients treated annually. His medicine men are retiring from practice. Fifty thousand Indian families live in permanent homes and take an interest in sanitation. The women are becoming better housekeepers; their babies are better cared for, and infant mortality is decreasing.

The Indians are growing in knowledge and general intelligence. Three-fourths of their children eligible for attendance are enrolled in some school, federal, state or mission. Nearly two-thirds of their entire population speak English and about one-half read and write English. Their gain in the use of civilized speech has been remarkable in the last seven years.

Too much has been said about Indian school graduates going back to the blanket. Any assumption that more than a negligible percentage of such students are non-progressive is unwarranted. In some instances where pupils not long in school have returned to backward home conditions the results have been disappointing but by no means an entire loss. If these boys and girls carry no more than a speaking use of English into homes still under the thrall of barbaric ignorance, they have started a lifting force and planted imperishable seeds of civilization. Considering the effect of previous environment, habits and prejudice, the school-trained Indian compares favorably with the average white student whose home surroundings as a rule are generally to his advantage.

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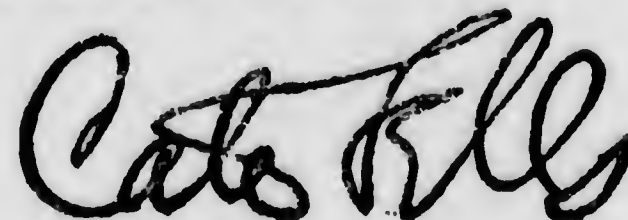
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Sincerely yours,



CATO SELLS,
Commissioner.

The Sherman Bulletin

PUBLISHED WEEKLY IN THE INTERESTS OF SHERMAN INSTITUTE, RIVERSIDE. PRINTED AT THE STUDENT PRESS

VOL. XIV

RIVERSIDE, CAL. APRIL 16, 1920.

NO. 15

A LETTER

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(continued on last page)

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Entered in the Postoffice as Second Class Matter

Subscription Rates: 25 cents a year,
Foreign 50 cents.

FRANK M. CONSER, *Superintendent*

L. R. Laverty, *Editor and Instructor*

CAMPUS NEWS

Miss Della Henderson went to Los Angeles Saturday morning for the week end.

Mrs. W. H. Robinson, of Riverside, took lunch with her sister-in-law, Mrs. Wilcox Thursday of this week.

Mrs. Pearl B. Natcher motored up from Alhambra last Tuesday to spend the week with Mrs. E. F. Reed.

Mrs. E. H. Sherwin and Mrs. H. C. Lee have returned to their home in Minnesota after spending the winter here.

Miss Love spent the week end with her parents in Pasadena. She reports her mother as having improved considerably in health.

Mrs. Ewbanks has gone to Murrietta Hot Springs to take treatment for her rheumatism. Miss Kinnard is acting head matron in her absence.

The members of girls' and boys' basketball team celebrated Friday evening by entertaining a few of their friends in the industrial hall.

Mrs. B. L. Smith has been confined to her bed the past week. She suffered intense pain for several days, but is better at this writing.

Superintendent and Mrs. Conser and children went to Banning, Palm Springs and other desert points last week where Mr. Conser talked to prospective students for Sherman. They returned Friday.

There will be a minstrel show Monday evening April 19th in the auditorium for the benefit of the Catholic Church.

Prices 15 cents reserved seats 10 cents general admission.

Allen Woodard, a former student, was a visitor for several days last week. Allen lives in the oil country in Oklahoma and has very much the appearance of an oil magnate. He is spending some time with his brother Oliver, who is at Long Beach.

Mrs. Sada E. Culbertson the new matron for the farm arrived from the Cushman school in Washington, Wednesday night and went on duty Friday. Mrs. Laverty who has been acting matron at the farm returned to Sherman and went on duty this morning as matron in the Hiawatha, relieving Mrs. Reichard for a while. Mrs. Reichard has been sick for several days

Mr. and Mrs. Vaughn and children motored to Barstow Saturday and spent the week end with relatives. They found the road very rough in places and state that they would not want to make the trip any later in the season on account of the sand which is already beginning to get deep in the road.

The senior class are thankful to those who made it possible for them to accompany the ball team to March field last Wednesday. They claim that they paid for their transportation by the support they gave the Sherman team which went long ways in piling up the heavy score against the aviators.

Mrs. Berry, who was formerly Miss Harvey, and one of the class room teachers here, was on the grounds a short time Wednesday calling on old friends whom she found to be quite few as there have been many changes in the ten years since she left here. She and her husband are touring Southern California and Arizona in their car and are enjoying the outdoor life.

At 2:00 o'clock Thursday afternoon a very pretty wedding ceremony was performed at the home of Miss Jewett, our outgoing Matron. Two of our former students, Juan DeVilla and Iona Forrester were married by Rev. D. L. Macquarrie of the Magnolia Avenue Presbyterian Church. After the ceremony Ada Harris sang "I Love You Truly." Dainty refreshments were served to thirty six guests; both employees and students. The bride was dressed in a dark traveling suit and as they left for their ten day honeymoon she threw her bouquet among the girls and it was caught by Jean Schafer. DeVilla is employed at the Sherman farm and the young couple will reside there. The Bulletin and all the Shermanites wish Mr. and Mrs. DeVilla a long and happy married life.

Y. M. C. A. NOTES

The Association has added fourteen new members which makes a total of seventy nine members. We Y.M.C.A. boys expect to give a social in return to that of the girls. Some Y.M. and Y. W. C. A. members have gone to different meetings in the past at Riverside. It has been a great privilege to us, as we have been helped and encouraged in our work. We have seen the play or act called The Pageant. It was indeed worth seeing as it was written or worked out by our Bible teacher Mr. Baird.

We have only a few more meetings on schedule, and usually the last ones are the climax of the year, so we want everybody to come.

SHOE AND HARNESS SHOP

The harness makers are getting on nicely with their third 10 sets of double team breeching harness, they have all the breast pole, back, hip collar straps, hame tugs, trace billets and 7 sets of team bridles made up all the side, lazy, hame, spread straps cut and tacked up ready for sewing, all of the back and belly bands folded, cut and ready to stitch and a few of the breeching folds, all the top and bottom trace pieces cut and ready to be tacked up, also the hand part of the lines.

Derwin Cook and Romaldo Calac are the harness cutters and certainly are hustlers, there is no grass growing under their feet.

Did you ever hear the story of the two frogs? Mr. Sheridan our instructor told it to us. The frogs made their home in a dairy. One morning each frog hopped into a can of milk "I am drowning!" yelled one of the frogs. "keep hustling," the other advised, and he acted on his own advice.

Hours later, when the cans were opened the frog who had cried for help and had not hustled was found drowned, but in the other can the hustling frog was found seated serenely on a large chunk of butter.

We harnessmakers use kerosene for cleaning our hands. This cuts the wax and black, then we rub them with paper or cloth, then wash with brown soap, this puts our hands in a very presentable condition, but to entirely remove the marks of a hard days work is very easy to talk about but very hard to do.

Joaquin Angelo got the spring fever and has taken French leave, some of the boys say he has gone to look for our Chaps.

Last month we half soled and heeled 575 prs boys and girls shoes also 25 prs employees, and 42 prs of farm shoes.

HALTERS

The best way to cut out is as follows: Select a heavy side of leather that is very plump through the sholder, neck and pate. Set the gauge at the desired width and cut up the whole side every strip full length, as long as the stock keeps good enough. In cutting off the strips, they want to be laid on the bench in regular order as they are cut off, so you will know just where the best strips lay. Now cut the strips into halters always using the best for crown pieces, next best for nose bands, next best for cheek pieces; then throat-latches, curb-straps, chin-tugs and buckle pieces; after the strips are all cut up you will have only a small handful of loop stock left and there is not a particle of waste about this method. In cutting up these strips, cut one crown, then nose band, then cheek and so on. The leather must be well selected in order to cut halters to good advantage.

INDIANS

Welfare

In World War	17,000
Killed in World War	7,000
World War Red Cross	10,000
Indian girls wearing Red Cross Emblem	3,000
Garments knitted by Indian women for war in France	100,000
Victory Bonds subscribed by Indians	3,000,000

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ANNOUNCEMENTS

Saturday April 17, Social in dining hall.

Chaperons for afternoon—Mrs. Dunigan, Mrs. Eubank.

Sunday April 18, Band Concert on Campus. 3:30

Y.M.C.A.

Subject "What can we students do to uplift our race."

Leader—Elmer Moore.

Y.W.C.A.

Subject "Steadfastness of Purpose"

Leader—Leona Le Sieur.

2:30—Communion service.

Wednesday April 21, Chaperons to religious services, Catholic—Mrs. Long, Protestant—Mr. Fowler.

Thursday April 22, Visitors to societies:

Lyric—Mrs. Scholder, Mr. Scholder.

L. Star—Mrs. Tarrant, Mr. Tarrant.

Invincible—Miss Arnold.

Liberty—Miss Antisdell, Mr. Reed.

(continued from first page)

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Sincerely yours,

Cato Sells,

Commissioner.

THE INDIAN CITIZENSHIP ACT

Contradictory newspaper accounts have resulted in a certain amount of misinformation relative to the granting of citizenship to Indians. That any vagueness on the subject may be dispelled, there follows an exact copy of the law as passed by act of Congress, approved June 2, 1924. (Pub. 175, 68th Congress.)

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

The United States Supreme Court has held that citizenship is not incompatible with wardship, and that this act does not of itself terminate the wardship of the Indians.

The bill makes it clear enough that all Indians are now citizens and also that tribal and property rights valid previous to this act are not invalidated by it. Where Indians live upon Government reservations, the acquisition of citizenship does not affect the system of land use and control now effective therein.

As citizens, of course, the Indian people are entitled to exactly the same rights and privileges that white citizens enjoy, which include the admission of their children to public schools, the right of the aged and indigent to County and State aid, the privilege of voting and, of course, an obligation to pay property taxes promptly and regularly.

That the Indians may be relied up to meet the obligations and responsibilities of citizenship fully and worthily has been proven. In the late World War about ten thousand American Indians volunteered for the defense of this country. At that time, as they were not recognized as citizens, they could all have claimed exemption. They did not do so but fought bravely and honorably for a country that had not even granted them citizenship. Surely there could be no greater guarantee of their devotion to that country's interests.

The Sherman Bulletin

Published weekly as a regular part of the school work of Sherman Institute

Volume XVI

Riverside, California, December 1

Number 9

The Week in the Calendar

December 2, Regular Social. Chaperons in charge of social; Mr. Scholder, Mr. McAdam, Teacher 6, Mrs. Tarrant. Chaperons to town; Mrs. Chiles, Teacher 10
December 3, Inspection of quarters. Inspection Committee, Mr. Tarrant, Teacher 4, Mr. Fertig, Mrs. Long.
December 4, Literary Societies. Industrial Employees meeting. Industrial reading circles.
December 5, General employees meeting.
December 6, Chaperons for church services: Catholic, Teacher 10; Protestant, Mr. Sheridan.
December 7, General employees reading circle.

The Question of Citizenship

In view of the queries regarding the status of the Indian that are constantly being made, THE BULLETIN feels it is rendering a real service in reprinting herewith a portion of a circular letter from the Indian Office that sheds an authoritative light on the subject.

The act of April 9, 1866 (14 U. S. Stat., L., 27), now section 1992 of the United States Revised Statutes provides that "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States."

The question of citizenship is as a general rule an individual one to determine which the facts in each particular case must be considered. There are a number of different ways by which Indians have become or may now become citizens. Some of the most important are as follows:

1. *Treaty Provision.*—Some of the treaties or agreements with certain tribes of Indians provision was made whereby Indians desiring to become citizens might become such by complying with certain prescribed formalities somewhat similar to those required of aliens. For example, see Articles 13, 17, and 28 of the Treaty of February 23, 1867, with various bands or tribes of Indians (15 Stat. L., 513).

2. *Allotment Under the Act of February 8, 1887.*—In the act of February 8, 1887 (24 Stat., 388.) Congress provided for the allotment of land to the Indians in severalty and in section 6 thereof declared that Indians so allotted should become citizens of the United States and of the State in which they reside. (See the language of the act.)

3. *Issuance of Patent in Fee Simple.*—In the act of May 8, 1906 (34 Stat., 182), Congress amended the act of February 8, 1887, so as to postpone citizenship of Indians thereafter allotted until after a patent in fee had been issued to said Indians. Provision was also made whereby patent in fee might be issued by the Secretary of the Interior to competent Indians before the expiration of the twenty-five-year trust period. Therefore Indians whose trust patents are dated subsequent to May 8, 1906, and who have also received their patents in fee simple have become citizens under the said act of May 8, 1906.

4. *Adopting Habits of Civilized life.*—Section 6 of the act of February 8, 1887, both before and after its amendment of May 8, 1906, provided: "That every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the rights of any such Indian to tribal or other property."

5. *Minor Children.*—The Solicitor of this Department has held that where Indian parents became citizens upon allotment, their minor children became citizens with them, and that children born subsequent thereto were born to citizenship.

6. *Citizenship by Birth.*—(a) An Indian child born in the United States of citizen Indian parents is born to citizenship. (b) Legitimate children born of an Indian woman and a white citizen father are born to citizenship.

7. *Soldiers and Sailors.*—Congress in the act of November 6, 1919, provided that Indian soldiers and sailors who served in the recent World War and who have been honorably discharged may be granted citizenship by courts of competent jurisdiction. (See Circulars Nos. 1587.)

8. *Marriage.*—The act of August 9, 1888 (25 Stat. L., 392), provided that Indian women who married citizens of the United States thereby became citizens of the United States. This provision is apparently inconsistent with the act of September 22, 1922, and would probably be held to have been repealed by the latter act, though not specifically mentioned therein. Marriages coming within the act of August 9, 1888, and consummated before the passage of the act of September 22, 1922, would not of course be affected by the latter act.

9. *Special Act of Congress.*—Sometimes Congress makes provision for a particular tribe of Indians or a particular group of Indians to become citizens. For instance:

(a) In the act of March 3, 1901 (31 Stat. L., 1447), provision was made for the extension of citizenship to the Indians in the "Indian Territory" by amending section 6 of the act of February 8, 1887 (24 Stat. L., 388). It should be observed, however, that in the act of May 8, 1906 (34 Stat. L., 182), amending said section 6, the language, "and every Indian in the Indian Territory," was not included.

(b) In the act of March 3, 1921 (41 Stat. L., 1249-50), citizenship was extended to all members of the Osage Tribe of Indians.

The above is not intended to be a complete list of the acts of Congress involving the citizenship of Indians, as there are a number of other laws including those affecting particular tribes, but it is believed the foregoing list or statement is sufficient to give a general idea of the

The Sherman Bulletin

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F. M. CONSER. Superintendent

STUDENT STAFF

BEN WYLIE, '23, EDITOR

ASSOCIATES

ALEX PALMER, '23 GEORGE TAYLOR, '23
JASON GROVES, '24

main principles or rules involved in the determination of whether or not a particular Indian is a citizen.

Thanksgiving a Happy Day at Sherman

Thanksgiving was a happy day at Sherman Institute, a school holiday entertainment and a big dinner being the notable features.

The observance started Wednesday night with a Thanksgiving entertainment in the school auditorium in which many of the boys and girls took part.

The dinner was served at noon Thursday, the menu being as follows:

Chicken, mashed potatoes, pickles, blackberry pie, cake, apples, and coffee.

Special Thanksgiving menus for the occasion were gotten out by the printing department. —Enterprise.



MENU

CHICKEN

With dressing

GRAVY

Giblet

POTATOES

Mashed

SWEET POTATOES

Baked

PICKLES

Sweet

PIE

Blackberry

CAKE

APPLES

COFFEE

The entertainment program was as follows:
"THE LANDING OF THE PILGRIMS"
Song No. 34

Audience.

"THANKSGIVING TURKEY"
Recitation

Louise Verdugo.

"PILGRIM BOYS AND GIRLS."
"SWEET LITTLE PILGRIM MAIDS."
Songs

Grade Two.

"THE HARVEST FESTIVAL."
Song

Grade Five.

"SWEET BIRDIE POLKA."
Flute Solo

Alfred Cooyawama.

"BILLY HARD—TO—PLEASE."
Dialog

Grade Four.

"LA GOLONDRINA."
Song and Dance
George Taylor, Fern Snow.

"THE GLOW—WORM."
Song

Grade Seven.

"WHAT RUTH BROUGHT."
Dialog

Grade Three.

"LITTLE PILGRIM MAIDENS."
Song

Grade Six.

"UNCLE SAM AND MISS COLUMBIA."
Dance
Edward Nalla, Phyllis Nomkena.

"HARVEST SONG."
Song

Grade Four.

"RUN AWAY TURKEY."
Solo

Alice Mae Clark.

"OLD TIME FAVORITES"
Selection

Orchestra.

"TIS MORN."
Song

Vocational Grades.

"JAPANESE LOVE SONG."
Song and Drill

Chorus.

"GIVE THANKS FER WHAT?"
Recitation

Peter Masten.

"WATERS OF MINNETONKA."
Song

Chorus.

"AMERICA."
Song

Audience.

Representing Sherman

The following boys will represent the Sherman Institute Young Men's Christian Association at the Annual Hi-Y Conference of the Southern California district, to be held in San Diego on the first of December: James Armstrong, Andrew Scott, Homer Cooyawama, Everett Esmonia and Clarence Reyes.

We hope the boys will enjoy the trip, get something worthwhile out of the conference, and feel proud of having been chosen to represent our school.

Clarence Reyes

CERTIFICATES OF CITIZENSHIP TO INDIANS.

FEBRUARY 22, 1924.—Referred to the House Calendar and ordered to be printed.

Mr. SNYDER, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 6355.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Line 8, strike out the words "become a full" and insert in lieu thereof the words "be a."

At the present time it is very difficult for an Indian to obtain citizenship without either being allotted and getting a patent in fee simple, or leaving the reservation and taking up his residence apart from any tribe of Indians. This legislation will bridge the present gap and provide means whereby an Indian may be given citizenship without reference to the question of land tenure or the place of his residence, and your committee has unanimously recommended the enactment of this measure.

That this legislation meets the approval of the Department of the Interior is fully set forth in the letter from the Secretary of the Interior which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: In response to your letter of January 30, 1924, requesting a report upon H. R. 6355, a bill to authorize the Secretary of the Interior to issue certificates of citizenship to Indians, I have the honor to recommend favorable action thereon, with a slight amendment hereinafter suggested.

There are inclosed herewith copies of Indian Office Bulletin No. 20, which will give you considerable information relative to the citizenship of Indians. At

present, however, it is difficult for an Indian to obtain citizenship without either being allotted and getting a patent in fee simple or leaving the reservation and taking up his residence apart from any tribe of Indians. The proposed bill will bridge the present gap and provide a means whereby an Indian may be given United States citizenship without reference to the question of land tenure or the place of his residence.

It is recommended, however, that the words "become a full" be stricken out at the end of line 8, and that the words "be a" be substituted in their place.

In view of the need and justice of such legislation, it is recommended that this bill receive the early and favorable consideration of your committee and of the Congress.

Very truly yours,

HUBERT WORK.

[Office of Indian Affairs Bulletin 20, 1922.]

INDIAN CITIZENSHIP.

The act of April 9, 1866 (14 Stat. L. 27), now section 1992 of the United States Revised Statutes provides that "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States."

The question of citizenship is as a general rule an individual one to determine which the facts in each particular case must be considered. There are a number of different ways by which Indians have become or may now become citizens. Some of the most important are as follows:

1. *Treaty provision.*—In some of the treaties or agreements with certain tribes of Indians provision was made whereby Indians desiring to become citizens might become such by complying with certain prescribed formalities somewhat similar to those required of aliens. For example, see articles 13, 17, and 28 of the treaty of February 23, 1867, with various bands or tribes of Indians (15 Stat. L. 513).

2. *Allotment under the act of February 8, 1887.*—In the act of February 8, 1887 (24 Stat. 388), Congress provided for the allotment of land to the Indians in severalty and in section 6 thereof declared that Indians so allotted should become citizens of the United States and of the State in which they reside. (See the language of the act.)

3. *Issuance of patent in fee simple.*—In the act of May 8, 1906 (34 Stat. 182), Congress amended the act of February 8, 1887, so as to postpone citizenship of Indians thereafter allotted until after a patent in fee simple had been issued to said Indians. Provision was also made whereby patent in fee might be issued by the Secretary of the Interior to competent Indians before the expiration of the 25-year trust period. Therefore Indians whose trust patents are dated subsequent to May 8, 1906, and who have also received their patents in fee simple have become citizens under said act of May 8, 1906.

4. *Adopting habits of civilized life.*—Section 6 of the act of February 8, 1887, both before and after its amendment of May 8, 1906, provided: "That every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the rights of any such Indian to tribal or other property."

5. *Minor children.*—The solicitor of this department has held that where Indian parents became citizens upon allotment, their minor children became citizens with them, and that children born subsequent thereto were born to citizenship.

6. *Citizenship by birth.*—(a) An Indian child born in the United States of citizen Indian parents is born to citizenship. (b) Legitimate children born of an Indian woman and a white citizen father are born to citizenship.

7. *Soldiers and sailors.*—Congress in the act of November 6, 1919, provided that Indian soldiers and sailors who served in the recent World War and who have been honorably discharged may be granted citizenship by courts of competent jurisdiction. (See Circulars Nos. 1587 and 1618.)

8. *Marriage.*—The act of August 9, 1888 (25 Stat. L. 392), provided that Indian women who married citizens of the United States thereby became citizens of the United States. This provision is apparently inconsistent with the act of September 22, 1922, and would probably be held to have been repealed by the latter act, though not specifically mentioned therein. Marriages coming within the act of August 9, 1888, and consummated before the passage of the act of September 22, 1922, would not, of course, be affected by the later act.

9. *Special acts of Congress.*—Sometimes Congress makes provision for a particular tribe of Indians or a particular group of Indians to become citizens. For instance:

(a) In the act of March 3, 1901 (31 Stat. L. 1447), provision was made for the extension of citizenship to the Indians in the "Indian Territory" by amending section 6 of the act of February 8, 1887 (24 Stat. L. 388). It should be observed, however, that in the act of May 8, 1906 (34 Stat. L. 182), amending said section 6, the language, "and every Indian in the Indian Territory," was not included.

(b) In the act of March 3, 1921 (41 Stat. L. 1249-1250), citizenship was extended to all members of the Osage Tribe of Indians.

The above is not intended to be a complete list of the acts of Congress involving the citizenship of Indians, as there are a number of other laws including those affecting particular tribes, but it is believed the foregoing list or statement is sufficient to give a general idea of the main principles or rules involved in the determination of whether or not a particular Indian is a citizen.

Calendar No. 462

68TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 441

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ISSUE CERTIFICATES OF CITIZENSHIP TO INDIANS

APRIL 21, 1924.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted
the following

REPORT

[To accompany H. R. 6355]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Strike out all after the enacting clause down to and including the word "States," in line 9, and insert in lieu thereof the following:

That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby declared to be, citizens of the United States.

In lines 9 and 10 strike out the words "issuance of a certificate of" and insert in lieu thereof the words "granting of such".

Amend the title so as to read as follows: An act "granting citizenship to Indians, and for other purposes."

The facts are set forth in House Report No. 222, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 222, Sixty-eighth Congress, first session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Line 8, strike out the words "become a full" and insert in lieu thereof the words "be a."

At the present time it is very difficult for an Indian to obtain citizenship without either being allotted and getting a patent in fee simple, or leaving the reservation and taking up his residence apart from any tribe of Indians. This legislation will bridge the present gap and provides means whereby an Indian may be given citizenship without reference to the question of land tenure or the place of his

residence, and your committee has unanimously recommended the enactment of this measure.

That this legislation meets the approval of the Department of the Interior is fully set forth in the letter from the Secretary of the Interior which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR.
Washington, February 12, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: In response to your letter of January 30, 1924, requesting a report upon H. R. 6355, a bill to authorize the Secretary of the Interior to issue certificates of citizenship to Indians, I have the honor to recommend favorable action thereon, with a slight amendment hereinafter suggested.

There are inclosed herewith copies of Indian Office Bulletin No. 20, which will give you considerable information relative to the citizenship of Indians. At present, however, it is difficult for an Indian to obtain citizenship without either being allotted and getting a patent in fee simple or leaving the reservation and taking up his residence apart from any tribe of Indians. The proposed bill will bridge the present gap and provided a means whereby an Indian may be given United States citizenship without reference to the question of land tenure or the place of his residence.

It is recommended, however, that the words "become a full" be stricken out at the end of line 8, and that the words "be a" be substituted in their place.

In view of the need and justice of such legislation, it is recommended that this bill receive the early and favorable consideration of your committee and of the Congress.

Very truly yours,

HUBERT WORK.

[Office of Indian Affairs Bulletin 20, 1922]

INDIAN CITIZENSHIP

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4. *Adopting habits of civilized life.*—Section 6 of the act of February 8, 1887, both before and after its amendment of May 8, 1906, provided: "That every Indian born within the territorial limits of the United States who has voluntarily

taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the rights of any such Indian to tribal or other property."

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(a) In the act of March 3, 1901 (31 Stat. L. 1447), provision was made for the extension of citizenship to the Indians in the "Indian Territory" by amending section 6 of the act of February 8, 1887 (24 Stat. L. 388). It should be observed, however, that in the act of May 8, 1906 (34 Stat. L. 182), amending said section 6, the language, "and every Indian in the Indian Territory," was not included.

(b) In the act of March 3, 1921 (41 Stat. L. 1249-1250), citizenship was extended to all members of the Osage Tribe of Indians.

The above is not intended to be a complete list of the acts of Congress involving the citizenship of Indians, as there are a number of other laws including those affecting particular tribes, but it is believed the foregoing list or statement is sufficient to give a general idea of the main principles or rules involved in the determination of whether or not a particular Indian is a citizen.

The committee, after careful consideration, concluded that as citizenship had been extended to the Five Civilized Tribes, and that as a large number of other Indians had become citizens under various acts of Congress, it was only just and fair that all Indians be declared citizens.

68TH CONGRESS,
1ST SESSION.

House Calendar No. 80

H. R. 6355

[Report No. 222.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 29, 1924.

Mr. SNYDER introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

FEBRUARY 22, 1924.

Reported with an amendment, referred to the House Calendar, and ordered to be printed.

[Omit the part struck through and insert the part printed in italic.]

A BILL

To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Secretary of the Interior is hereby authorized, in
- 4 his discretion, under regulations to be prescribed by him,
- 5 to issue a certificate of citizenship to any noncitizen Indian
- 6 born within the territorial limits of the United States, who
- 7 may make application therefor, and, upon the issuance of
- 8 such certificate to any Indian, he or she shall ~~become a full~~
- 9 *be a citizen of the United States: Provided, That the issuance*

1 of a certificate of citizenship shall not in any manner impair
2 or otherwise affect the right of any Indian to tribal or other
3 property.

HOUSE CALENDAR NO. 80

68TH CONGRESS, }
1ST Session. } **H. R. 6355**

[Report No. 222.]

A BILL

To authorize the Secretary of the Interior to
issue certificates of citizenship to Indians.

By Mr. SNYDER.

JANUARY 29, 1924.

Referred to the Committee on Indian Affairs and
ordered to be printed.

FEBRUARY 22, 1924.

Reported with an amendment, referred to the House
Calendar, and ordered to be printed.

Calendar No. 462
H. R. 6355

[Report No. 441]

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1924

Read twice and referred to the Committee on Indian Affairs

APRIL 21, 1924

Reported by Mr. CURTIS (for Mr. HARRELD), with amendments

[Omit the part struck through and insert the part printed in *italic*]

AN ACT

To authorize the Secretary of the Interior to issue certificates of citizenship to Indians

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior is hereby authorized, in
4 his discretion, under regulations to be prescribed by him,
5 to issue a certificate of citizenship to any noncitizen Indian
6 born within the territorial limits of the United States, who
7 may make application therefor, and, upon the issuance of such
8 certificate to any Indian, he or she shall be a citizen of the
9 United States *That all noncitizen Indians born within the*
10 *territorial limits of the United States be, and they are hereby*
11 *declared to be citizens of the United States: Provided, That*
12 the issuance of a certificate of granting of such citizenship

- 1 shall not in any manner impair or otherwise affect the right
- 2 of any Indian to tribal or other property.

Amend the title so as to read: "An Act granting citizenship to Indians, and for other purposes."

Passed the House of Representatives March 18, 1924.

Attest:

WM. TYLER PAGE,

Clerk.

68TH CONGRESS }
1st Session

H. R. 6355

CALENDAR NO. 462

[Report No. 441]

AN ACT

To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

MARCH 19, 1924.

Read twice and referred to the Committee on Indian Affairs

APRIL 21, 1924

Reported with amendments

THE AMERICAN ANTHROPOLOGIST

VOL. VII. WASHINGTON, D. C., OCTOBER, 1894. No. 4.

CITIZENSHIP PRIZE ESSAYS.

On March 30, 1893, the ANTHROPOLOGICAL SOCIETY OF WASHINGTON announced by special circular and in the *American Anthropologist* (volume vi, 1893, pages 223-224) a proposed award of prizes for essays on "The elements that go to make up the most useful citizen of the United States, regardless of occupation." Two prizes were offered: "A first prize of \$150 for the best essay and a second prize of \$75 for the second best essay among those found worthy by the Commissioners of Award." The prizes were declared open to competitors in all countries. November 1, 1893, was the date fixed for the closing of the competition. It was provided that the essays should be examined and adjudged by five Commissioners of Award, including one anthropologist, one educator, one jurist, one statesman, and one other not specified, of whom at least one and not more than two should be members of the Society.

On October 25 the Commissioners of Award were announced (by circular and in the *American Anthropologist*, volume vi, page 330) as follows: Anthropologist, Dr. DANIEL G. BRINTON, of the University of Pennsylvania; educator, Dr. DANIEL C. GILMAN, President of Johns Hopkins University; jurist, MELVILLE W. FULLER, Chief Justice of the United States; statesman, ADLAI E. STEVENSON, Vice-President of the United States; not specified, Dr. ROBERT H. LAMBORN, of New York. At the same time the date for the closing of the competition was postponed to March 1, 1894.

On March 2, 1894, the Secretary of the Society, Mr. Weston Flint, tabulated by their pseudonyms the 42 essays received. Under

instructions from the Commissioners of Award the Secretary, aided by two members of the committee originally appointed to arrange the details of the competition, made a preliminary examination of the papers and arranged them according to apparent merit in three groups. The 42 essays were then placed in the hands of the Commissioners, who examined the entire number carefully, and in most cases repeatedly, until on May 29 a verdict was reached. On the evening of that day a special meeting of the Society was held, at which the seals of the envelopes containing the pseudonyms of the successful competitors were broken, and their names were announced and the essays were read before the Society.

Of the 42 essays received under the terms of the competition, 32 came from the United States and nine from foreign countries, besides one not specified. Seventeen states and five foreign countries were represented. Five essays came from the District of Columbia and an equal number from Spain; four came from Ohio and three from New York; two each came from California, Georgia, Illinois, Minnesota, Pennsylvania, and the state of Washington; one each came from Connecticut, Denmark, England, Indiana, Iowa, Java, Kentucky, Mississippi, Missouri, Syria, Tennessee, and West Virginia; and one is of unknown source.

It is worthy of remark that about three-quarters of the essays were thought meritorious by the Commissioners of Award, and that about one-third of all were deemed especially good. Both the extent of the competition and the excellence of the essays attest the widespread and intelligent interest felt in the important subject of American citizenship.

The Society is under obligations, which it is a pleasure here to express, to the eminent gentlemen who kindly assumed the difficult and delicate task of examining and passing upon the essays offered in competition for the citizenship prizes.

The two prize essays, with the pseudonyms and names of the authors, are appended.

FIRST PRIZE ESSAY.

The Elements which Make up the Most Useful Citizen of the United States.

BY ARISTIDES (PROF. SIMON NEWCOMB, U. S. N.)

Should we interpret our theme in its broadest sense our conclusions might be reached with great ease. A study of the conditions of human progress would lead us to the conclusion that during the last hundred years the most useful men have been those who have done most to mould the life, thought, and activities of the nineteenth century. In their ranks we find scientific investigators who have made discoveries in the laws of steam and electricity; inventors who have embodied these laws in useful forms, and so applied them as to promote the welfare of mankind; captains of industry who have built and managed steamships and railways, and opened new avenues to Nature's stores of wealth; philosophers who have voiced the aspirations of the people for liberty; jurists and teachers who have shown how that liberty could be so exercised and limited that every man should be a help to his fellow-men. Judging the future by the past, we shall be led to the conclusion that the elements of greatest usefulness in the citizen of the future are those calculated to make him the most successful discoverer, inventor, manager, administrator, legislator, jurist, or teacher.

But a closer examination of the words of our theme shows its intended field to be narrower and more suggestive. In defining the most useful citizen we should consider him simply as a citizen. For us he is not a specialist in any field of activity, however useful, but a man among men, influencing his fellow-men by showing them the good they all might do.

The elements which we are to consider will be yet further limited and suggested by adopting the economic idea of value, according to which usefulness depends not only on utility but on scarcity and difficulty of acquisition. From this point of view our most useful citizen will be one who possesses in the highest degree those qualities which are not only useful in themselves, but so far from universal that the good of the community

requires their wider diffusion. As citizens we are all engaged, consciously or unconsciously, in making history. More than ever before does the prosperity both of ourselves and of our children depend on our social, industrial, and political conduct. Never before were correct public judgments of such conduct so necessary to the general welfare. The most useful citizen is he who can infuse the most practical wisdom into this conduct, and promote among his fellow-men the deepest insight into its consequences. To do this successfully he must not only be a wise man himself, but possessed of those personal qualities necessary to make others accept the results of his wisdom.

Guided by these preliminary considerations, we must place sane, disinterested, and frankly spoken views of public questions high in our list. To the formation and expression of such views, wide intelligence and sound practical judgment are necessary. He who is to influence his fellow-citizens for their own good must be so familiar with the political and financial history of his country as to know how the problems which confront us have been treated by our fathers, what have been the consequences of that treatment, and in what way we may improve upon it. He must also possess that sagacity in foreseeing the effect of public measures which long experience will aid, but which no education can provide.

With these qualities must be combined a standard of political morality in advance of public opinion, yet not so far in advance as to alienate public sympathy or make the acceptance of his views impossible. Always remembering the maxim "*Magna Dii curant, minima negligunt*," he will be careful not to consider as small things any political customs which tend to demoralize the public conscience. He will be in advance of public opinion, but not out of sight of it.

The most useful work in which the citizen thus equipped can engage will be the purification of our politics. We must leave it an open question whether this work can best be done through an active leadership in one of the great political parties or by remaining outside of them and acting as an independent. As parties are now organized, it is not certain that our citizen could successfully take a high place in the councils of either. Granting that he could, which every optimist must hope to be the case, his efforts and utterances will not be of the kind with

which the public is most familiar. He will be careful to exact from his own party a standard of political morality fully as high, perhaps a little higher, than that which he holds up to the opposite party. He will not be found taunting the opposite party with its evil deeds this year and next year sustaining his own party in doing these very same deeds.

Of especial interest will be the ground which he takes in a nominating convention. He will not be a member of any faction claiming recognition of its supporters. He will feel that in selecting a candidate to be submitted to the voters of his State or district he is executing a public trust for the benefit of his party and of his country. He will be above making devotion to his personal fortunes a condition of support. The result will be that no dicker by which he shall agree to support the nominee of another faction in consideration of the nomination of one of his own faction will ever be made with him. If asked to support a bad man on condition of having the name of one in whom he believes placed on the ticket, he will reply that he demands nothing but the nomination of men whose character and standing will commend them to public support; that he considers all such men as belonging to his faction, and believing that only such ought to be nominated, he will not support any others.

His voice will be loudly heard in all matters that pertain to the ascertainment of the public will through the legal forms of elections. He will never cease to point out to his fellow-partisans as well as his fellow-citizens that the will of the people is the law of the land; that all the legal machinery of elections is devised to ascertain that will, and that the man or party who tries to make it work in such a way as to express something known to be different, is trying to make the machine do something which it never ought to do, and should be as severely condemned by his own party as by the other. In such a matter as the districting of a state he will denounce a gerrymander as unsparingly if proposed by his own party as when it is proposed by the other.

High though his standard may be, he will not be a chronic bolter. The very fact that his opposition to an unworthy candidate will be impersonal will secure his support for any worthy candidate who receives the party nomination. If told that he is bound in honor to support the nominee of the party, irrespective of merit, he will reply that there is only one obligation

higher than this, the obligation of the citizen to protect the state against corruption. If a candidate is proposed whose nomination he thinks should meet with public condemnation, he will oppose it in convention for that reason and for no other, and will not turn back on his word so far as to assure the public that it is a good nomination after it is made.

If we accept the view that our citizen can be more useful as an independent than as a partisan leader, the character of his activity will be very obvious. He will take an active interest in public affairs and a judicial view of the policy and nominations of both parties, always voting for the candidates which seem to him the best, and urging others to do the same. Under no circumstances will he appear before Congress to promote measures in which he has a personal or pecuniary interest.

Intelligent and patriotic citizens who take the views of public affairs which we have just described are by no means rare; but their usefulness is greatly diminished by their failure to make their imprint on the minds of their fellow-men. We must, therefore, add to the qualities we have described those elements which will make our citizen a power for good. It would seem to follow that our most useful citizen must be, in his chosen profession or field of activity, a successful man. It is an unfortunate fact that one whose life has been a failure, no matter how meritorious may have been his motives, does not command the highest respect of the world. But in laying down this principle we must not consider success in too narrow a sense. Gained by unworthy means, it would afford the worst possible example for the young. On the other hand, if worthy means have been adopted, apparent failure may have been substantial success. One may seem to fail in the great majority of his attempts and yet make such an impression on his fellow-men by his conduct and writing as shall be a power after he has passed away. Measured by one standard, the public life of George William Curtis might be called a failure; yet the growing strength of his ideas of civil-service reform make it one of the finest examples of success that our generation can hold up to the rising one. The position of the martyrs, whose blood was the seed of the church, is among the grandest in history. Yet we may draw a broad line between a successful martyr and an unsuccessful one; between one whose life and works are calculated to excite the admiration of his fellow-men, and

one who is doomed to oblivion when once lost sight of. It is also not necessary that the success of our citizen should be marked by what the world calls brilliancy, for this is not a quality which the young should be encouraged to aim at.

Yet another essential element is a readiness to take an active part in public affairs. The combination of this quality with the high standard of political morality which we have already described is not so common as it should be. The unfortunate fact appears to be that devotion to party, or to party leaders, acts as a more powerful incentive to public activity than devotion to the moral elevation of the community. Our men of intellect either find attrition with those who control politics to be distasteful, or they occupy positions in which they do not feel at liberty to speak their minds with the frankness which should characterize the most useful citizen. What we want is an invasion of our political domain by men animated by the motives we have described, and willing to make the same exertions to carry their point that the active politician constantly puts forth. If the qualities necessary in the invaders are both rare and needful, they must stand high among those of the most useful citizen.

It being conceded that our citizen should be able to influence his fellow-men for their own good, it follows that he should not be wholly wanting in those qualities which make the successful diplomatist and politician. It is true that we should be cautious in giving a very high place to these qualities. The divergence between the temper of the scientist and that of the diplomatist or politician turns on the point that the work of the one ends where that of the other begins. The scientist considers only what is true in fact and what is best in results; but when the diplomatist and politician have discovered what is true and what is good, they are only at the beginning of their task. They must consider whether their fellow-men are prepared to accept and act upon the truth and, if they are not, how the truth must be modified and made palatable. Immediate results must depend upon success in dealing with this very delicate problem of accommodating the true and the good to the tastes of a possibly unappreciative public; and, were no results but immediate ones to be considered, we should have to place the qualities in question very high in our list. But we must also remember that the

earnest and repeated proclamation of a truth which cannot be disputed is sure to make itself felt in the long run, and therefore persistence in proclaiming it may compensate for want of tact in its adaptation.

Of equal importance with the qualities which we have described is that of correctness of view. If our citizen maintains fallacious economic or political theories, all the good qualities which he possesses may be sources of evil rather than of benefit to the community. He must therefore have a correct appreciation of the way in which economic causes act in promoting or retarding the general welfare. He must see farther into the action of such causes than do men in general. He must therefore have had a better education in economic principles than that afforded by the daily press, which enforces only the average views of the average man, and rarely avails itself of profounder investigation or more careful study than that to which the average man is himself prone.

One field in which this greater breadth of view should be especially conspicuous is that of the ethics of charity. It being conceded that the highest aim of the best man is the greatest good of the greatest number, we must remember that individual men are constantly passing away, as the waters of a river flow by us, but that the human race as a whole, like the river itself, is to endure through the ages. Our citizen will therefore clearly perceive that the good or evil fortune of the individual is not alone to be considered, and that the effect of any proposed policy upon the race must always be carefully investigated. Hence as a promoter of charitable works he will hold that the effect of charity on the race is more important than its benefit to the individual relieved. In the presence of distress his question will not be, Can I relieve this fellow-being? but, Can I promote in him those qualities of sturdy manhood, independence, and industry which, once implanted in him, will be inherited by his posterity? If he finds that the only effect of charity would be to promote abjectness, demoralization, and dependence, he will resolutely refuse it because of the conviction that it is better the man should die as he is than that he should live to breed an abject, demoralized, and dependent posterity.

Our most useful citizen cannot be a selfish man, and *esprit de corps* is so nearly the opposite of personal selfishness as always

to command respect; but it is liable to degenerate into a form of class selfishness, all the more dangerous because of the very respect which it commands. So far as it consists in devotion to such common interests of a class as do not conflict with those of the public, it is to be commended; but the most unselfish devotion to the interests of the corps may result only in endeavors to promote its interests at the expense of those of the public. The latter frequently fails to see the great difference in the two cases, and it is therefore essential that our citizen should see it and govern himself accordingly.

Physical qualities are not to be left wholly out of consideration. We recognize more clearly than did our ancestors that mental qualities are closely associated with them, and that a man cannot attain to his fullest development without a basis of physical health. We must therefore assign to the latter a high place among the elements of usefulness. At the same time we should include under this term something more than a successful performance of the animal functions. To be really useful, physical health should be associated with that tireless energy to which it is so conducive. Who is languid in body is languid in mind, and he who loves ocean and mountain for their own sake will probably have the mental energy necessary to make an impression on the world.

Finally, good stature, breadth of person, and commanding presence may be included in our list as elements which, though adventitious, are yet not without importance. While the small man may in the long run exercise as much influence as the large one, it will take him longer to make that influence felt. He needs more tact to avoid being overlooked in the crowd. The man whose very presence commands attention can impress his will on others with apparently better grace than can the man of mean stature; whose entrance may seem obtrusive where that of the other would appear graceful.

SECOND PRIZE ESSAY.

The Citizen.

BY HOMO (W J MCGEE, BUREAU OF AMERICAN ETHNOLOGY.)

I.

The standard of citizenship is indicated by individual and national success.

A nation is at once a group of individuals and a solidarity in which each individual is directly or remotely related to all others.

Considered simply as an individual, that person is best and most useful who is strongest, most active and longest lived, and who thus does most toward the subjugation of the lower powers of nature for his own good and the good of his children; considered simply as an integral part of a nation, that individual is best and most useful who contributes most to the state and thus promotes in the highest degree the welfare of his fellows; but in many respects the welfare of the individual and the weal of the nation are opposed—the physically and mentally perfect man may direct his strength against his neighbor and thus become an enemy of the nation, while the unselfish weakling may so far yield to his stronger neighbors as to become a slave.

The antagonism, or rather the reciprocal balance, between the individual and the nation is fundamental and inevitable; it is the balance of the rights of the one against the rights of the many, the balance between egoism and altruism. That nation or solidarity is strongest and best in which the rights and benefits of the one and of the many are most delicately adjusted—in which the common welfare is attained with the least sacrifice of individual welfare, and in which individual welfare involves the least possible sacrifice of common welfare; and considered as a citizen of such a nation, that individual is best and most useful who most justly divides his powers between selfish and unselfish ends, who does most for the nation with the least loss to individuality, and who maintains the strongest individuality with the least loss to the nation.

II.

One of the tests of individual excellence is found in the power and persistence of nations; for if the individuals are good the nation flourishes and persists, while if the individuals are not good the nation suffers disruption or dies out, according to the excess or defect of individuality among its component members. Accordingly, the history of nations affords a means for determining the specific qualifications of the desirable members of the body, or of the good citizen.

The primitive nation was a family group, comprising an autocratic head with a number of subordinates. When enlarged, this group was a gens or clan, in which there were subgroups each dominated by a subhead, but all subordinate to the general head; and when still larger, the group sometimes became a tribe, in which there were major and minor subgroups of various orders, the whole composing a hierarchy; but this autocratic type of nation, whether patriarchic or hierarchic, has not stood the test of time, and has disappeared or is disappearing from the face of the earth. So, measured by this test, the constituent of an autocracy, whether he be head or subordinate, is not good.

In the survival of the fittest among nations, the patriarchies grew into hierarchies or suffered destruction; still later the hierarchies either grew into monarchies or suffered destruction, and in this way autocratic government gave place to monarchic government. At first the monarchy was absolute and closely akin to the hierarchy, but the absolute monarchies failed to stand the test of time and gave place to limited monarchies and republics. So, measured by the standard of power and persistence, the monarchy is an inferior nation, and the individual living under monarchic conditions does not best subserve the sum of public and private interests.

Just as patriarchy gave way to hierarchy, and hierarchy to absolute monarchy, and absolute monarchy in turn to limited monarchy, so limited monarchy is giving way to democracy or republicanism; already the foremost nation of the earth is a republic, and all other civilized nations are either republican or undergoing change in the direction of republicanism. So,

according to the experience of the ages, the best nation is the republican one, and the best citizen is the individual adapted to life under republican conditions.

While the history of nations thus indicates the qualifications of good citizenship, it does not explain why republican citizenship is good, but the reason is easily seen: It is in a republic, above all other forms of government, that individuality is most highly developed and most widely diffused, and that interaction among individuals is most completely spontaneous. So it may be inferred from the history of nations that, other things equal, individuality and spontaneous interaction (or coöperation) are the highest excellencies of citizenship; and from these roots spring strength of character and patriotism.

III.

Whatsoever the individuality of the citizen and the spontaneity with which he coöperates in promoting general welfare, no citizen is good unless he is able to contribute more energy to the subjugation of lower nature and the promotion of humanity than is required for his own support; for if individuals give less than they take, the nation must quickly come to an end, while it is the nation in which individuals give most in proportion to their drafts that flourishes best and persists longest. Now, human life comprises alternate or successive periods of assimilation and dissemination. In infancy the individual is occupied in assimilating food and gaining bodily strength; in youth the individual assimilates knowledge and gains mental strength, and in adult life the energy thus stored up is disseminated for private and public benefit. So that individual is best for himself and for his kind who disseminates longest and (other things equal) most abundantly, and, accordingly, longevity and strength are among the most important qualifications of the individual.

Individual characteristics, including longevity and strength, are the joint product of inheritance and of acquisition (or education, using the term in the broadest sense).

Acquisition (or education) represents the joint product of individual effort and of coöperative activity on the part of the national solidarity, *i. e.*, the joint product of individuality and

human environment. So largely is this true that civilized men are mutually dependent, and can acquire nothing worth acquiring, do nothing worth doing, indeed hardly continue to exist, without the aid and coöperation of their fellow-men. This coöperative element in determining individual characteristics is akin to the element involved in national existence and success, and the test thereof is found in the history of institutions, including governments; and the lesson of the history of institutions is the same as that of the history of nations—for republican institutions, tending at once to develop individuality and spontaneous coöperation, persist, while institutions not so constituted fail in the race for survival.

Inheritance is the product of the purely animal element in human existence, and under its laws there is a linear or temporal relation by which the solidarity among individuals is rendered more complete. Under the laws of inheritance no man lives unto himself alone, but unto his children and his children's children, and under his parents and his parents' parents; and the test of excellence—*i. e.*, of the ability to give out more than is absorbed of the energy required for the advancement of humanity—is found in the history of individuals and families.

In the beginning of human existence man was a plastic organism differing from other organisms in more symmetric and extended adjustment to environment—an adjustment of such character that when environmental conditions were insuperable the organism was modified or displaced, rather than destroyed like the higher or lower or fewer-sided organisms. Then in the struggle for existence the more plastic of the human genus survived, and thus plasticity was developed. So man came to be the most delicately adjusted to his environment of all organisms; and this delicacy of adjustment is the measure of development, or of excellence among the animate and inanimate things of the universe.

Many individual and racial characteristics, and all characteristics in some degree, represent the product of exercise; and by exercise in the adjustment of his character to his environment man came gradually to react on the environment, and later to modify environmental conditions, and eventually in a large measure to mold his environment to his will and control the lower powers of nature, and those individuals and groups who

most perfectly molded their environment survived, while the less capable disappeared. In this way human control of lower nature acquired strength, and by natural selection strength was increased; the end sought required long continued individual activity, and by the survival of the fittest longevity was developed; the work required intelligence, and by constant exercise and inheritance mind was expanded and improved; the task required coöperation among individuals and families, and through the survival of the fittest altruism and patriotism bloomed and fruited. Thus the test of time shows that strength, longevity, intelligence, and altruism are most excellent among individual characteristics. These qualities are handed down from generation to generation under the laws of inheritance. If they are inherited in large degree, the individual and the family survive and the nation is strengthened; if they are inherited in small degree, the individual, the family, and the nation fail in the struggle for existence. So the excellence of an individual as a constituent of a nation is measured in part by blood or lineage, and the individual is not to be measured by himself alone, but by his ancestry and his probable progeny.

IV.

So the quality of good citizenship is indicated by the history of nations, the record of families, and the character of the individual. The history of nations shows that the good citizen must possess that individuality and patriotism which are fostered by and consistent with republican government. The record of families shows that the useful member of society must possess strength, that degree of vitality and physiologic plasticity which lead to longevity, as well as intelligence and altruism; and the study of individuals gives coincident indication.

From these general considerations the character of the good citizen is easily drawn: He should be strong of body and vigorous of mind; he should be plastic of body, so as to be quick to maturity, ready to recover from disease or wounds, and long to withstand the buffets of life; he should be adjustable of mind, in order to learn quickly, to turn readily from one occupation to another, to profit by experience, and to harmonize with his fellows; he should be industrious, for without industry there is

no exercise, and exercise with inheritance makes the man; he should be sober and temperate, for otherwise his powers are dissipated; and he should have a line of ancestry of similar characteristics, for it is only through inheritance that the persistency of traits is assured. Coupled with these characteristics, there should go that altruism and patriotism toward which the development of civilization constantly tends.

With all these characteristics, man becomes a monarch in his own domain, a co-ruler with others of his kind over lower nature, a tower of strength against the perverse and the criminal, a support for the infantile, the aged, and the helpless, a friend of humanity, and a fit constituent of the state—he becomes that highest product of human development, a good citizen.

THE DEVELOPMENT OF SCULPTURE.

BY J. D. MCGUIRE.

The sculptures of ancient Egypt are apparently older than those of any other country. The sculptures of America may be traced to extremely crude beginnings, yet their age is a matter of pure conjecture. So far as one can judge the mechanical execution of the carvings of Yucatan, for example, there would appear to be a greater similarity between them and the carvings of China than of relationship to Egyptian work. There is such an individuality about the sculpture of Egypt and of America and much of that of the Assyrians that one hesitates to attribute to them a common origin.

Marble, now so generally employed in supplying material for statuary, has been used for this purpose probably for the last 2,500 years, yet there are evidences that at a period 2,500 years earlier, the Assyrians and Egyptians made statues which evidenced great artistic ability and mechanical skill, and these statues were made from diorites and syenites, stones harder than marble.

Notwithstanding the many centuries that have elapsed since man first made sculptures of large size, the alterations in their surfaces have been so slight that we may by comparing them one with another trace the development of the art.

The methods now employed in producing sculptures and carvings are quite similar, due entirely to mechanical appliances, and are a great improvement over those employed in the production of ancient figures, for it will be seen that carving and sculpture have in their methods of growth approached each other from widely divergent beginnings.

The universal stone celt and the familiar American grooved ax and pestle show in the method of their production the first steps toward the development of sculpture. Formed to suit the taste of the mechanic making it, the work itself by which it was produced is not distinguishable from that appearing on all early worked stone.

INDIAN RIGHTS ASSOCIATION,
1305 ARCH STREET,
PHILADELPHIA, PA., October, 1901.

INDIAN WARDSHIP.

BY CHARLES E. PANCOAST.

The relationship between the Indian tribes and the United States has come to be defined by the term "Wardship."

In 1831 Chief Justice Marshall, after declining to describe the Indian tribes as foreign nations, said "they may more correctly perhaps be denominated domestic dependent nations.

. . . . They are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian." (Cherokee Nations *v.* Georgia, 5 Pet. 1.) But in 1871 the United States ceased to make treaties with them, as with nations, and thereafter substituted the word *contract*. (Rev. Stat. 2072, act March 3, 1871.) And finally in 1885 Mr. Justice Miller declares: "These Indian tribes *are* the wards of the nation.

. . . . From their very weakness and helplessness, so largely due to the course of dealing of the Federal government with them and treaties in which it has been promised, there arises the duty of protecting, and with it the power." (U. S. *v.* Kagama, 118 U. S. 375.)

Notwithstanding the Land in Severalty Act, approved July 8, 1887, under which Indians may take up allotments and become citizens of the United States, and the Secretary of the Interior may allot to those failing to apply, many Indians, probably the majority, still continue their tribal relations, with community of property, and are still under this "wardship" benefitting by the faithfulness or suffering from the unfaithfulness of their guardian; and this condition seems likely to con-

tinue. It is interesting, therefore, to examine the nature of this wardship a little more closely.

The Supreme Court has well said that the relationship of the Indian tribes to the United States has always been an "anomalous one, and of a complex character" (U. S. v. Kagama); and while saying that it "*resembles*" a guardianship, and later that it *is* a guardianship, it is easy to see that in point of fact this National guardianship differs materially from that between individuals. About the latter relation the law places certain safeguards designed to protect the ward and to remove temptation to breach of trust. Thus a guardian cannot buy his ward's property; he cannot contract with his ward, and even when the ward has come of age, contracts with the guardian made immediately thereafter are looked on with suspicion. A person whose interests were or might become adverse to those of the ward would not be appointed guardian by the courts; and those whom they appoint must enter security, and are held accountable for negligence, as well as for active breaches of trust. It results that breaches of trust are comparatively rare, and that the remedy is prompt and usually effective.

In the national guardianship, however, these safeguards are wanting. Under politics as now conducted, with the constant demand of office seekers and of land grabbers, the interests of the nation or, at least, of its government, may fairly be described as adverse to those of the Indians. Yet the nation is their guardian. This guardian contracts with its wards for the sale of their land and property, and is both buyer and seller. With others, the wards cannot make contracts without the guardian's approval; but with their guardian they can contract freely. And for any breach of trust, the remedy is indeed a slow and doubtful one. It consists practically of an appeal to the conscience of Congress. The Indian's guardian can be sued only by its own permission, in its own courts, and its approval and sanction are necessary to a contract between its wards and their attorneys, retained by them to conduct their suits. It is fair to say that this requirement of approval is intended to protect the Indians against improvident contracts. But the requirements may sometimes prove to obstruct justice.

Thus in the Indian wardship we find not only an absence of the usual and necessary safeguards, but also an ineffective remedy for negligence or other breaches of trust. Hence the constant occurrence of such breaches, the appeals to the friends of the Indian to assume their guardian's neglected duties, to prevent unjust legislation or contract, and often, as in the case of Little Whirlwind and of the Warner Ranch Indians, to furnish money and counsel for the protection of Indians threatened with the loss of property, of liberty, or of life.

The latter case, decided by the Supreme Court of the United States, May 31, 1901, well illustrates the nature of Indian guardianship. The question involved was the title to certain lands. One of the points was that the Indians, if they had rights, had failed to assert them in time; and it was answered that if so, the government was itself in default by its failure to act for them. The Court said:

"It is undoubtedly true that this government has always recognized the fact that the Indians are its wards and entitled to be protected as such, and this Court has uniformly construed all legislation in the light of this recognized obligation. But the obligation is one which rests upon the political department of the government, and this Court has never assumed, in the absence of congressional action, to determine what would have been appropriate legislation, or to decide the claims of the Indians as though such legislation had been had. Our attention has been called to no legislation by Congress having special reference to these particular Indians. By the act creating the land commission the commissioners were required (Sec. 16) 'to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians.' *It is to be assumed that the commissioners performed that duty, and that Congress, in the discharge of its obligations to the Indians, did all that it deemed necessary, and as no action has been shown in reference to the particular Indians, or their claims to these lands, it is fairly to be deduced that Congress considered that they had no claims which called for special action.*"

It is true that the Court further said that they were not *compelled* to rest upon this presumption and that there was evidence

which justified a finding of facts on points adverse to the Indians. But the principle above stated is none the less true. A commission was created to ascertain and report on the rights of the Indians, and in the absence of any evidence it is legally assumed that the commission performed that duty, and that Congress "in discharge of its duty to the Indians did all that it deemed necessary." In the carefully guarded language of the Court, "as no action has been shown in reference to these particular Indians or their claims to this land, it is fairly to be deduced that they had no claims which called for special attention."

Whatever the facts, this presumption would have been sufficient. As against a stranger, the Indians are bound by their guardian's failure to act. As against their guardian, they have perhaps a moral claim for consideration, based on neglect to investigate their rights in time, and, if in fact they had none, at least to make for them some other provision and not permit them to occupy and improve land to which they had no title.

The probability is that the anomalies above referred to are inseparable from Indian wardship. It is not easy to see who could be guardian if not the nation; and perhaps under all the conditions, it is cause for congratulation that matters have not been worse. But we may understand the need for a strong association upheld by a strong public sentiment, to act where necessary, as the next friend of the Indians, while national guardianship continues; and we may also perhaps consider whether the time is not rapidly approaching to remove all guardianship, to do away with a nursing system, which tends to foster and perpetuate weakness rather than to develop strength. Many would, no doubt, go down were the support removed, but in the end the total of suffering might be less.

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THE "CITIZENSHIP EXPEDITION."

A recent Washington newspaper despatch announced that Senator Penrose had introduced a resolution calling for an investigation of Indian affairs, in accordance with a suggestion of the Rodman Wanamaker Indian expedition. The resolution proposes that the commission of seven, to be appointed, shall act in conjunction with Dr. J. K. Dixon, the leader of the Wanamaker party, and it also "recites the accomplishments of the expedition."

Senator Penrose and those for whom he is acting have evidently not kept in very close touch with current events; for they do not seem to know that a joint Congressional Commission, composed of three Senators and three Representatives, was created by the Act of June 30, 1913, for the same purpose. That Commission, of which Senator J. T. Robinson is chairman, has been, and is now, conducting its work, as directed by the law, with a view to "recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians." It is therefore hardly likely that the Penrose resolution will receive favorable action by the Committee on Indian affairs. It has, however, been the means of giving added publicity to the claims of Dr. Dixon in regard to the alleged "accomplishments" of the "Citizenship expedition." So long as the Dixon report was being used for advertising purposes, its absurd and extravagant claims of "accurate and extensive" information could be regarded as humorous and harmless; but when its author seeks to have Congress give the document serious consideration, it is in order to analyze its statements.

Mr. Rodman Wanamaker's desire to perpetuate certain noble characteristics of the red man, and to arouse a stronger public sentiment to secure just treatment for him, is to be commended. The expedition sent out by Mr. Wanamaker could have performed, under proper management, a service of real value; but to those who have even an ordinary knowledge of Indian affairs, the Dixon report of "achievements" is very unsatisfactory on account of serious inaccuracy of statement and apparent ignorance of the essential truth in many cases. It is regrettable that a philanthropist of such high ideals as Mr. Wanamaker should be exploited in this fashion by such an agent.

During the past summer and autumn I visited fifteen Indian reservations in the Southwest; our Washington Agent visited a number in the Northwest, and I also met many of the Indian Service field-men, in the East and West, with whom I talked on this subject. From every point the testimony was the same; Dr. Dixon was always in a hurry, and his

stay at the Agencies was usually limited to a few hours. The Mescalero reservation, in New Mexico, for instance, is a tract of land almost the size of Connecticut. The nearest railroad point is Tularosa, eighteen miles from the Agency. The Dixon party arrived there one morning, went to the Mescalero Agency by automobile, had the flag-raising ceremony in a perfunctory manner, took a short whirl over a portion of the reservation, and left the same evening for other parts of the country. Such methods are hardly calculated to enable any one, no matter how expert, to secure "accurate and extensive" first-hand information of conditions, or to gather "full details of all phases of Indian and reservation life." It must be a great satisfaction to the Mescalero Apache, and all the other tribes, to feel "now that his life story, both primitive and present, is to be accurately given to the country," by such a "careful" authority. From the reports of the Western people I learn that this was a typical case. I wonder if Dr. Dixon ever heard of the thorough work being done by Edward S. Curtis to record, by pen and photograph, the history of all the Indian tribes? Mr. Curtis is spending years to acquire his data, but Dr. Dixon would have us believe, from his method, that only a few hours at each point are necessary for such a task.

To illustrate Dr. Dixon's ignorance, or misrepresentation, a few instances are cited:

The report, in referring to the ceremonies in New York Harbor on February 22, 1913, says that "these grizzled warriors" assembled there "never owned a flag and knew nothing about the flag." The first of the "Rules for the Indian School Service," in force for years, provides that "There shall be a flag-staff at each school, and in suitable weather the flag of the United States shall be hoisted each morning and taken down at sunset." There are 327 Indian schools, and it is the custom to assemble the pupils each morning and evening to salute the flag as it is being raised or lowered. The Department rule that I have quoted also refers to Agencies. I have never been on a reservation where I did not see the American flag flying. The one case that Dr. Dixon refers to—conveying the impression that it was typical—on the Havasupai reservation, Arizona, is an exception; but a few years ago there was a heavy flood in that cañon that destroyed nearly all the government property, and ruined the agricultural land of those Indians.

Referring to the New York Harbor ceremonies, Dr. Dixon says: "A new ideal was imposed," namely, that of citizenship. This "expert evidence" is sadly at fault. In 1879 the "new ideal" took definite shape, and the Boston Indian Citizenship Committee was organized, which, in conjunction with the Indian Rights Association and the late Senator Dawes, helped to secure the General Allotment Act of February 8, 1887. Under its terms, when an Indian received an individual allotment of land, he became a citizen of the United States. If Dr. Dixon had taken the trouble to investigate this subject, he would have found that there are over 185,000 Indians who are citizens, and that his "new ideal" is an old story. His "expedition of citizenship" is thirty-five years behind the times.

One of the purposes of the expedition was "to secure the signature, by pen and thumb-mark, of every Indian tribe to the Declaration of Allegiance." The absurdity of this is apparent when it is understood that any treaty or agreement made by the Government with the Indians, if it was to be valid, had to be signed by a three-fourths majority of the male adults of the tribe concerned. Consequently, the few signatures secured by Dr. Dixon of individual members of any tribe to the "Declaration of Allegiance" are absolutely valueless.

Dr. Dixon asserts that, as a result of his expedition, the Indian "realizes now, for the first time, that he must do something for himself." There are thousands of Indians who realized that long ago. Before the "Citizenship Expedition" was conceived, the Society of American Indians was organized, in Columbus, Ohio, October, 1911, by Indians who are working to advance the interests of Indians. Its active membership is confined exclusively to those of Indian blood, and contains representatives of nearly every tribe.

As to the "enthusiasm" of the red man for the expedition, note what is said about it in the Quarterly Journal of the Society of American Indians, the editor of which is an Indian:

"The 'Wanamaker Expedition of Citizenship to the Indian' has returned to its Philadelphia store. The plan was for a certain Mr. Dixon to give a flag to every reservation in the country, and pledge the Indian to loyalty. This was an assumption that the Indians were not loyal. Newspapers said that the Indian had never seen a flag. This is an absurdity, and the whole expedition was a flagrant insult to the United States authorities and an insult to the Indian. * * * But the late Mr. Barnum's maxim will hold good."

Regarding the recent Navajo "uprising," Dr. Dixon, in a widely published interview, found fault with Superintendent W. T. Shelton, of the Shiprock Agency, New Mexico, for "interfering with some of their most sacred customs." It is true that Mr. Shelton did interfere with a "sacred custom," just as the United States Government interfered with a "sacred custom" of the Mormons some years ago. It should be noted that this "sacred custom" of the Navajos was polygamy, by which the old men took very young girls for plural wives. The Indian Bureau has been endeavoring to stamp out this "sacred custom" not only among the Navajos, but in all the other tribes; and Supt. Shelton was acting in accordance with that policy when he interfered with the Indian law-breakers. I hardly believe that a minister of the Gospel would knowingly favor polygamy, even though it has been a "sacred custom" of the Indians, just as it was in patriarchal times.

In another newspaper interview Dr. Dixon is reported to have said of the Jicarilla reservation, New Mexico, that "the tribe cannot raise cattle because the vegetation is insufficient." If Dr. Dixon had really investigated the physical condition of that reservation, he would hardly have made such a statement. Raising cattle or sheep is exactly what the Jicarilla Indians can do, for they have good summer and winter ranges.

The following excerpt from the Chilocco, Oklahoma, Indian School Journal, commenting on a visit of the Expedition to one of the points in that State, is suggestive:

"For generations effort has been put forth by those in the Indian field to induce the Indians to put away from them many habits and customs that have always served as sufficient barriers to progress, and to accept and put into practice the best features of our civilization. In fact, there could not be conceived any other right purpose in laboring with them. In the Wanamaker expeditions the taking of pictures with all sorts of cameras seemed the principal interest, and the important subjects were the Indians arrayed in owned and borrowed barbarian finery. Many occupying the center of the stage were original coffee-coolers or their descendants, usually the consistent foes of progress, while the progressing Indian in his inconspicuous citizen's dress formed the fringe of the crowd unnoticed. They were not 'Chiefs' because they had outgrown the fiction of chieftainship, but merely bread-winners, and therefore poor subjects for a spectacular exhibit. In this particular the teaching of the expedition was wrong and did not leave a good taste in the mouths of those who work."

The Rev. Edward Ashley, D.D., for many years a missionary on the Cheyenne River reservation, South Dakota, reprints the foregoing article in "Anpao," a paper published in the Sioux language, with this additional criticism:

"The above item is true also of the action of Dr. Dixon on some of the Sioux reservations. The writer witnessed the flag-raising on one of the Sioux reserves, and the progressive Indians, though present, were ignored and only those in warpaint and feathers were recognized and given the impression that they were 'it.' The addresses of President Wilson and Secretary Lane were ground off without any interpretation. In order that the Sioux nation may know what they said, we have translated the same, which may be found on another page."

After making such a perfunctory and superficial "investigation," Dr. Dixon has the effrontery to assert that "for the first time the nation may have the full, unvarnished truth, at first hand, from a neutral authority."

Let the reader judge whether or not the data presented by Dr. Dixon is such as to inspire confidence as to its value, historically or ethnologically.

Dr. Dixon says that "Indian superintendents have declared that the Expedition has tremendously forwarded their work." Those whom I saw on my trip, for the most part, regarded the affair as a huge joke. However, should the Senate Indian Committee decide to consider the Penrose resolution, it would be well to call on the Indian superintendents for a frank expression as to the value of the expedition. Inspector James McLaughlin was detailed by the Department to accompany the Dixon party. He should also be called upon for a report.

M. K. SNIFFEN,
Secretary Indian Rights Association.

SAN JACINTO, CAL., REGISTER

SEPTEMBER 27, 1928

MANY INDIANS WILL VOTE FOR PRESIDENT FOR FIRST TIME

For nearly one hundred and fifty years of the history of this country the Indian, its original inhabitant, was denied the privilege of the ballot. In 1924 a law was passed which did away with this disadvantage suffered by the red man. The passage of the law, however, came too late in that year to be of much effect in the presidential campaign of that year. This time the situation is different.

In the campaign of 1928 more than three hundred and forty thousand Indians of one hundred and ninety three different tribes are entitled to cast a ballot for either Smith or Hoover. In some states, notably Oklahoma, Arizona, New Mexico and the Dakotas, and to a lesser extent in California the results of the balloting red men will be watched for with some anxiety in political circles.

It is more than probable that the bulk of the vote of the aborigines will be in favor of Mr. Hoover. Indians tend to bet aboard the band wagon of the Grand Old Party much more nearly than they tend to go the other way. And this year they have an added incentive in the fact that Charley Curtis, Republican Vice Presidential nominee, is a direct offshoot of their race. Mr. Curtis's grandmother was a full blooded Kaw Indian. Senator Curtis, it is said, "has slept in a wigwam; has eaten of the buffalo; has seen tribes on the warpath; and has sat in the councils of the original Americans."

Indians, so the account continues, deserve to aid in the councils of this government. Long before the white man set foot on our shores, the Indians had established a working democracy. The great Iroquois Confederation was so perfectly established that its constitution was largely followed in the framing of the one under which we live.

At any rate the white man will watch the way his red brother votes this fall with interest and for the first time since the country was founded, secure in the knowledge that if the vote is cast as well as he was in every occasion able to fight the enemy in the World War, the suffrage will be in capable hands.

COACHELLA, CAL., SUBMARINE

SEPTEMBER 28, 1928

Indians Will Vote at Next Election

All native born American Indians are now citizens of the United States and have the right to vote as such, that right being subject to and sometimes limited by the laws of the several states, according to a statement from the Department of the Interior.

Up until 1924 citizenship was not granted an Indian until he was considered competent or, in other words, when he was able to handle his own affairs. In that year Congress passed a law which gave citizenship to all native born Indians. The franchise was so newly granted that no great use was made of it in the election of 1924. The election this year is the first general election at which American Indians will have a fair chance at the exercise of the franchise.

There are about 340,000 Indians in the United States. They are members of 193 tribes and live in every state. Their numbers are greatest in Oklahoma, second greatest in Arizona, third greatest in South Dakota.

REEDLEY, CALIF.
EXPONENT
OCTOBER 2, 1928

INDIANS TO VOTE AT NEXT ELECTION

All native born American Indians are now citizens of the United States and have the right to vote as such, that right being subject to and sometimes limited by the laws of the several states, according to a statement from the department of the interior.

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There are about 340,000 Indians in the United States. They are members of 193 tribes and live in every state. Their numbers are greatest in Oklahoma, second greatest in Arizona, third greatest in South Dakota.

SAN ANDREAS, CALIF.
PROSPECT
OCTOBER 6, 1928

INDIANS MAY VOTE IN IN COMING ELECTION

All native born American Indians are now citizens of the United States and have the right to vote as such, that right being subject to and sometimes limited by the laws of the several states according to a statement from the department of the Interior.

Up until 1924 citizenship was not granted an Indian until he was considered competent, or, in other words, able to handle his own affairs. In that year Congress passed a law which gave citizenship to all native born Indians. The franchise was so newly granted that no great use was made of it in the election of 1924. The election this year is the first general election at which American Indians will have a fair chance at the exercise of the franchise.

There are about 240,000 Indians in state. Their numbers are greatest of 193 tribes and live in every state. Their numbers are greatest in Oklahoma, second greatest in Arizona, third greatest in South Dakota.

Unimproved roads lead to more than 43 per cent of the farms in the United States.

FRIEND OF INDIANS IS VISITOR HERE

324
Standing ready to fight the battle for the rights of the Indian, Jonathan Tibbet, of Riverside, in Santa Ana today, declared that it behooves white men who believe that the Indian is entitled to a square deal to be ever on their guard to protect the Indian.

Tibbet is recognized as a leader in pro-Indian sentiment. It was largely through his efforts that the Mission Indian federation was organized at a meeting at Riverside two years ago, and he ranks today as grand chief counsellor for the federation.

"The Indian is being imposed on continuously," said Tibbet. "Close watch has to be kept on the various reservations to see to it that advantage is not taken of the Indian's ignorance. The boundaries of some of the reservations have been changed six or seven times, and every time there is a change the lands of the Indian have been reduced in area."

Tibbet returned recently from San Diego where he was interested in a fight to establish the right of the Indian to vote. He said that in a contest for supervisor of San Diego county, it was established that an Indian who can read and write and who conforms to the ways of the white man has the right to vote. A vote of that kind was not thrown out in the contest.

364 INDIANS

Indians will vote in the presidential elections this year for the first time, under a new law. There are about 135,000 of them, or half as many as peopled this continent when the white man came with whisky, bullet and bright glass beads.

In a close election those 135,000 Indians might come very near to swaying the result. The speakers will soon be lauding the noble Red Man, on whose stolen domain we now live.

[Seen in several Calif. newspapers]

RICHMOND, CAL. TERMINAL October 3, 1924

California's new Indian vote, enfranchised under a recently enacted federal law, probably will have little effect on the outcome of the November election. There were approximately 17,360 Indians in the state when the last census was taken. This population, if fully registered, should furnish only between 6,000 and 8,000 votes.

[Identical in 15 or more California newspapers]

Indian Vote in California May Decide Election

SACRAMENTO, Sept. 26. —Possible political eventualities are being discussed by capitol politicians with respect to the new Indian vote of California, which has a population of 17,360 redskins, according to the last census. This population if properly registered, should muster a strength of over 6,000 votes.

When it is remembered that Woodrow Wilson defeated the present secretary of state, Charles E. Hughes, in California by a majority of 3,000 votes, the effect of this new factor in political contests is a topic of much conjecture.

Government figures indicate that Indians throughout the United States may cast a vote under the new act, of 135,000.

Under the new federal law, full rights of citizenship are extended to all Indians whether government wards or supporting themselves.

New Indian Measure Makes All Citizens

The new Indian citizenship act, recently signed by President Coolidge, will make every native-born Indian in the country a citizen of the United States, Indian Commissioner Burke said yesterday.

Granting of citizenship, however, will not remove restrictions on Indian lands under government guardianship as the Supreme Court has held that wardship is not inconsistent with citizenship. Indian rights to tribal or other property are not affected.

Wash. Post - June 6, 1924

INDIANS AS CITIZENS

In 1924 the United States Government granted citizenship to all American Indians. Prior to that time, as far back as the adoption of the Fourteenth Amendment in 1868, the Indian might qualify for citizenship. A Federal law of 1866 excluded untaxed Indians from such rating. Indians of certain tribes were made citizens by special treaty. In 1884 the Fourteenth Amendment was interpreted to hold that an Indian living in tribal relations could not become a citizen except through the naturalization courts, on the theory that they were not citizens by birth. It was later held, in 1916, that citizenship is not incompatible with tribal existence or continued guardianship.

During the early years of the Caucasian conquest of the continent, the killing of Indians was looked upon in many quarters as in keeping with the slaughter of any pest. In that age it was quite generally held that the only good Indian was a dead Indian. In 1798 Henry Knox, Secretary of War, predicted that in fifty years the aboriginal Indians would be reduced to a very small number. For a half century after that, the absolute extinction of the redman was advocated by certain Americans of prominence, although their ideas were not loudly applauded.

For more than 300 years, the Indian had an uphill fight to maintain any standing whatsoever in his native haunts. Through a medium of reservation grants, and with some effort for education, the Government reversed its policy of extermination, and attempted to right some of the wrongs which had been imposed upon the aboriginal population.

Now that the Indian has come into his full status as a citizen, that he may have a voice in the affairs of the Nation and the States, and is entitled to the same privilege that are accorded his white brothers, what is his future? In 1890 there were 248,000 Indians in this country. In 1924 their number is estimated at 346,692. They represent 280 different tribes and sixty linguistic groups.

Shall the Indian be preserved as a relic of his tribal days, or shall he be absorbed into the social body? That is the question which will be answered by the Indian himself, rather than by the Government or the people of America. In 1920, 20.8 per cent of the Indians over ten years of age could not speak English, and 34.9 per cent were classed as illiterate. This is a condition which time will remedy, through the co-operative efforts of the Indian, the Government and welfare agencies.

Individual instances of outstanding achievement, and the general response of the race to civilizing influences, point to the expectation that the Indian not only will use his citizenship properly, but that he will make valuable contributions to that country which, in a belated and somewhat grudging manner, has undertaken to deal justly with him.

LOS ANGELES, CALIF.
TIMES
JULY 23, 1930

Indians Ruled Citizens With Right to Vote

SAN FRANCISCO, July 22. (AP)—~~California~~ Indians are citizens and have the right to vote, said Atty.-Gen. Webb in an opinion made public today.

The opinion was given after fifty Indians in the Yuma Indian reservation near El Centro, Imperial county, were denied the right to vote, although they had registered with the County Clerk.

Elmer W. Heald, El Centro City Attorney, then applied to Webb to settle the question. Webb said under an act of Congress all Indians had been collectively naturalized and could vote like any other citizen by complying with the election laws.

OAKLAND, CAL.
TRIBUNE
July 23, 1930

Indians Entitled to Vote, Says Webb

SACRAMENTO, July 23.—Indians are naturalized citizens of the United States, and as such are entitled to vote, Attorney-General U. S. Webb yesterday informed District Attorney Elmer W. Heald of Imperial county.

Heald had requested an official opinion from Webb as a result of the action of the county clerk of Imperial county, who challenged the right of fifty Indians on the Yuma Indian reservation to vote, and stated he intended to cancel their registrations.

CHICO, CALIF.—RECORD

July 23, 1930

All Indians In U. S. Eligible To Cast Ballot

SACRAMENTO, July 22. —Attorney General U. S. Webb again has ruled in an opinion to District Attorney Elmer W. Heald of Imperial County that Indians who are regularly registered are eligible to vote at all elections.

Heald asked for a ruling from Webb in that the Imperial County clerk threatened to cancel the registrations of 50 Indians on the Yuma Indian Reservation on the ground they were without right to vote.

Webb informed Heald that an act of Congress passed in 1924 declared to be citizens with right of franchise all Indians born within the territorial limits of the United States.

LOS ANGELES, CALIF.
TIMES
JULY 24, 1930

Indians Eligible to Register in Imperial Area

EL CENTRO, July 23.—Reversing a ruling made by County Clerk Cal Mousseau last week, the Attorney General of the State has ruled that Indians in Imperial county are eligible to register and vote at the State and county elections here this year, according to an opinion made public here today by the county clerk.

The question regarding the status of 300 Indians in the east end of the county was raised last week when Deputy Registration Clerk R. S. Emerson of Calexico turned in a number of registration affidavits signed by members of the Yuma tribe. Mousseau declared at that time that the affidavits would be canceled.

Following the announcement that the Indians could vote, the American Conservation Club, which has been holding a series of open forum meetings for the thirty candidates in the county contest this year, announced that a public meeting would be held at Bard where the Indians will have an opportunity to hear the contestants speak.

CITIZENSHIP FOR INDIANS

HONORABLE citizenship for all American Indians is the goal that the Bureau of Indian Affairs has set. Commissioner Rhoades is striving for eradication of the last traces of savagery among the Indians, with a view to making all of them industrious, self-respecting citizens.

Commissioner Rhoades has set out to discourage the inclination of Indians to participate in circuses, rodeos, Wild West shows and similar exhibitions. It is the aim of the Bureau of Indian Affairs to direct Indians toward a more dignified and more permanent means of livelihood. While the plans of the Bureau are rather pretentious, calling for an expansion of activities with increased appropriations and additional personnel, yet it is the opinion of Commissioner Rhoades that the scheme will be economical, in the long run.

This is what is included in the program of the Bureau of Indian Affairs: To give the Indian a practical education along vocational lines, whenever possible; to make better provision for the Indian's medical needs; to provide for the indigent; to assist the Indian in finding and keeping a job; to increase the productivity of his land, and to give him the advantages of modern organization and business methods, to the end that the Indian the sooner may be able to assume the entire responsibility of caring for himself and his problems. This is a wholesome plan and deserves public recognition and encouragement.

LOS ANGELES, CAL.—SD. LOS
ANGELES NEWS—362
FEBRUARY 13, 1931

All Indians who have become citizens of the State are amenable to school laws, and superintendents of reservations must co-operate with truancy officers in enforcing compulsory attendance laws. Atty.-Gen. Webb so informed Dist.-Atty. Ford of Riverside county, in response to a query.

REDLANDS, CAL. FACTS 13

JANUARY 30, 1933

* * *

A suggested change in the Federal constitution confining citizenship of Nation and State to "all persons of white, African and American Indian parents born in the United States and subject to the jurisdiction thereof," and eliminating the Japanese, was offered in the Assembly by Frank Coombs of Napa. It is in the form of a concurrent resolution directed to the attention of the California delegation in Congress.

The preamble relates that "the time has arrived when our far-flung dominions render it necessary to change the requirements of citizenship so as to recognize the distinctions which have separated mankind into different peoples, founded upon traits and characteristics of nonassimilability, with destinies apart; as better suited to conditions of the modern society and calculated to avoid world friction, which seems otherwise inevitable."

* * *

JANUARY 24, 1923

FREEING THE INDIANS

It is indeed an anomolous situation that necessitates congressional action for the purpose of freeing the Indians. The Indians ought to be free. They are far more logically entitled to the rights of citizenship than many who exercise such rights. By the stupidity of the government's policy, by the dishonesty of many of the federal agents, they have been kept in a condition, not exactly of slavery, but approximating that status. The great difficulty lies in failure to recognize them as human beings. They have been treated as half-wit juveniles, and provided with faulty and unfair guardianship. The sporadic attempts to educate them have come to little, because education could do nothing for them save to make them realize more keenly the injustice that had marked their treatment from the beginning. They could be taught, but knowledge gave them no advantage; did not get them anywhere. There was no goal to arouse their ambition and quicken their manhood.

The Federation of Women's Clubs of California is represented at Washington at present by Mrs. A. H. Atwood of Riverside. She has been telling congress some valuable truths, of which every member should have been aware. When she branded the whole general policy of the Indian bureau as "inhumane, expensive to the taxpayer and fruitless of good to the Indians" she was giving the plain facts.

It is high time to cease the method of allotting tribal reservations, encouraging the Indians to improve the land, and then kicking them off as soon as the land has acquired a value that excites the covetous white. There ought to be some action that would have for the Indian all the significance that the proclamation of Emancipation held for the colored race.

JUNE 10, 1925

NEW INDIAN LAWS

364
The recent passage of the Federal law making all Indians citizens of the United States has automatically made them citizens of the states in which they reside, and out of this situation has arisen a veritable "uprising" of the states through legislatures, which now demand either the reorganization of the Federal Indian Service or the transfer of the Federal jurisdiction over Indian property to the trusteeship of the several states.

The Supreme court of California has decided that the Indians are entitled to free schooling at the expense of the state. It therefore follows they are entitled to all other state and county services—to poor relief, sanitary and medical relief, and the services of the various state departments. Yet though thus made by congress mandatory charges on the state, they live on tax-exempt reservations administered by a Federal beaurocracy. The states have inherited the liability while the assets are withheld.

As a result, California, Minnesota and Wisconsin now demand the reorganization of the Indian Bureau and the Indians now being citizens have a voice which, added to the demands of the state, may be startlingly manifest in the next Congress.

FEBRUARY 1, 1928

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REVERSHIDE, CAL.
ENTERPRISE
JANUARY 14, 1923

WOULD BRING MORE INDIAN PUPILS HERE

Conference at Sacramento Passes Resolution Favoring Enlargement of Sherman Institute; Urge Room for 500 Boys and Girls Additional

Sherman Institute may be expanded to care for 500 more Indian children as a result of the conference held last Thursday in Sacramento, attended by Secretary-Manager Ross L. Hammond of the Riverside Chamber of Commerce.

Resolutions were drafted at the meeting calling upon congress to appropriate an additional \$25,000 for the education of approximately 500 more Indian children in California. The resolutions also call for closer co-operation between the Indian bureau of the federal government and the state authorities in subjects pertaining to Indians on the reservations of California. There were declared to be 500 Indian children in this state in need of educational facilities, and 200 of these should have boarding school facilities.

The meeting was held at the office of Will C. Wood, state superintendent of education. Those in attendance were federal officials of the Indian

Los Angeles, Cal., Express
JANUARY 19, 1923

INDIANS MAY BE ACCORDED RIGHTS AND CITIZENSHIP

Movement Inaugurated by
President of Woman's City
Club Gains Favor

PETITIONS ARE SIGNED

Delegation Plans Trip to
Washington to Present
Plea to Congress

A movement inaugurated and led by Mrs. W. P. Cunningham, president of the Woman's City Club of Los Angeles, seeking citizenship for the American Indian is spreading widely throughout the country, and there is every indication that congress will soon be asked to give the red man all the rights in his native land that others enjoy.

Petitions are being circulated far and wide. Seven states are covered with them now. From all sections come reports. Mrs. Cunningham states, that public sentiment is wholly in favor of the movement and that there are few if any refusals to sign.

FULL CITIZENSHIP ASKED

Congress is to be asked to pass a law conferring full citizenship upon Indians, and to change the constitution, if that be necessary, in order to bring races other than white and black into full citizenship. As soon as the movement is considered to have gained sufficient impetus and what is regarded as a sufficiently weighty petition representation has been obtained, a strong delegation, including a number of prominent Los Angeles men and women, will go to Washington and put up the fight for the aboriginal American's cause.

WOMAN'S CITY CLUB ACTIVE

The Woman's City Club is wholly in sympathy with the endeavor to create a new legal status for the Indian. Its Indian suffrage committee is active in the Indian citizenship campaign.

Under the regulations governing it the Woman's City Club cannot indorse men or measures, but it can work for the enforcement of laws. It is asserted that 18 treaties were made between the government and the Indian tribes in 1851 and 1852. For the continuous and full enforcement of all contracts of this kind the club is at liberty to act.

If granted citizenship, Mrs. Cunningham states, the Indian will have a right in all the courts of the land. He will be able to press any just claims he may have individually, and will have much greater encouragement to better his condition in life that he has now, she states.

Real Tribal Sachems

Three thousands Indians in Nevada, who for the first time have the right of franchise, may vote in the presidential election and politicians declare that they hold the balance of power. With the passage of the citizenship act every native-born Indian in the United States becomes automatically a citizen and Commissioner Burke estimates that the whole number affected by the new law will be approximately 125,000. As about one-fourth are adults more than 30,000 voters thus are added to the electorate in various western states. More than 200,000 Indians have been made citizens before the passage of the recent act. Even at this late date in the national campaign it is not clear just what party will gain the principal allegiance of these aborigines who have been so long the wards of the government and so short a time recognized citizens. There is something almost as paradoxical as the average

comic opera situation in the sudden metamorphosis of tribal leaders into political sachems. It is reported that the ballot is to many of the Indians something that can not be accepted without numerous misgivings and this is not surprising, in view of many of the things, including fire-arms and fire-water, that in the past the white man has bestowed upon his red brother. Superintendent James E. Jenkins of the Indian service has been kept busy in Nevada explaining that the gift of the vote does not mean forfeiture of reservations or privileges specially enjoyed by new citizens. So far, it is not possible to foretell how many will go to the polls or how they will vote, in case they decide to exercise their privilege. In any case the enfranchisement of the real Americans means progress.

STATE'S INDIAN VOTE TO HAVE LITTLE EFFECT ON ELECTION

3642
Special Dispatch to The Call.

SACRAMENTO, Sept. 25.—California's new Indian vote, enfranchised under a recently enacted federal law, probably will have little effect on the outcome of the November election, according to L. E. Ross, chief of the State Bureau of Vital Statistics.

There were approximately 17,360 Indians in the state when the last census was taken, Ross said. This population, if fully registered, should furnish between 6000 and 8000 votes.

While the redskins cannot hope to exercise great influence in the California political situation they are likely to constitute a big factor in states like Montana and Nevada. Government figures indicate that the Indians will cast a total vote under the new act of 135,000.

Northern California gains by the enfranchisement of the aborigines as the greater part of the state's Indian population is in northern counties.

The new law does away with all the old legal fiction of Indians untaxed having no suffrage and it extends the full rights of citizenship to all Indians, whether resident on or off government reservations.

Fresno Bee, 128, Sept. 31, 1924.

Federal Law Opens Door Of Suffrage To Indians Of Nation

Government Figures Estimate 135,000 Red Skins Will Be Eligible To Vote At November Election; New Statute Gives Full Citizenship Rights To Indian Born

The next "great white chief" in Washington, the president, may conceivably be elected by Indians for a new federal law opening wide the door of suffrage to the red skins has become effective and entitles them to participate in the November election.

The best estimates from Washington place the number of Indians eligible to vote at 135,000, scattered in half the states of the Union, and a sufficient number in some states to decide a close election and to swing many votes in the electoral college.

The new law does away with the old legal fiction of Indians untaxed having no suffrage and it extends the full rights of citizenship to all Indians, whether resident on or off government reservations.

It is entitled "An act to authorize the secretary of the interior to issue certificates of citizenship to Indians." Under it all non-citizen Indians born within the territorial limits of the United States are declared to be citizens.

The granting of citizenship does not in any manner impair or otherwise affect the right of any Indian to tribal or other property. Formerly only those Indians who lived in white communities and did not retain their tribal relations were permitted to vote.

Many In Valley

In the eight counties of the San Joaquin Valley there are 1,346 Indians recorded in the government census of 1920, distributed as follows: Fresno 380, Kern 208, Kings sixty-three, Madera 392, Merced seven, San Joaquin nine, Stanislaus forty-one and Tulare 246.

In Fresno the passage of the federal enfranchisement measure makes no change, according to County Clerk D. M. Barnwell, because this county has never had an Indian reservation and the tribes have had no community property.

Thus since the formation of the county its aborigines have had a legal right to vote, but it has been a right but seldom exercised, Barnwell declares.

"In the first place the average Indian locally has no interest in government affairs, he lives and moves apart from the world about him," said Barnwell. "About the limit of the interest of the average Indian is his family or colony relationship.

"Locally we have no reservations, although there are two or more small colonies located on government land. Under the law, Indians have the right to occupy any federal land and in making application for homestead rights a white settler must specify that the property is not occupied by them.

"I do not recall of any Indian who maintains any sort of colony relation who has registered and voted here in recent years. Probably the chief reason why they have taken no interest in asserting their legal right to vote is that all but a few are illiterate."

In the state there were 17,360 Indians in 1920, a population which if fully registered should furnish between 6,000 and 8,000 votes. This is a gain over the two preceding

censuses, which showed 16,371 in 1910 and 15,377 in 1900.

Showing the power the new Indian vote may exercise in politics, state and national, a news dispatch came over the wires the other day from Nevada indicating that the 3,000 redskins of that state might control the presidential vote there.

Commenting on the national effects of the new law, The New York Times in a special article says:

"Montana is one of the states which, having a large Indian population, has shown itself much concerned over the recent enactment of the Indian citizenship bill. Several Indians, educated in the reservation school, filed nominations this year for county offices, while Robert Yellowtail, three-quarter blood Crow Indian, of Lodge Grass, on the Crow reservation, announced his hope to be elected a member of congress.

"Yellowtail, who is said to be 35 years old, was graduated from the reservation schools. He opposed Congressman Scott Leavitt of Great Falls in the second district at the recent August primary. Montana's Indian population is estimated at 13,000 of whom 7,000 live in the second congressional district. More than 2,500 Indians from the six reservations will be enabled under the new law to vote this year, but for which party they will vote—if they vote at all—it not yet clear, for Montana has held only its primaries and the 'reservation Indians,' as they are called, took and, in fact, could take no very active part in them on August 26th.

"The 'noble redskin' has always been a poor trader in transactions with white men, but of his qualifications as an American elector there have been thus far no means of judging. Will he consent to march in political parades? Will he respond to questions as to his preference in straw votes? Will his remarks on partisan matters be adapted to the radio? Will the squaws organize separately, and demand an equal voice on all committees with the big chiefs, the little chiefs and the plain everyday tribesmen?

"Will there be a 'speakers' bureau' for the heretofore taciturn aboriginals? Will they organize a labor bureau of their own, headed by a former walking—if not working—delegate? Will the pipe of peace or the blood-red tomahawk of war be the party emblem of the 'all-Indian ticket'? Will there be bets in wampum in the Indian reservations on Coolidge, Davis and La Follette? Will there emerge from the wigwams, the tepees and the encampments a political 'boss' and will his supremacy be challenged by an anti-boss movement of the descendants of Powhatan, King Philip, Osceola and Sitting

Original Defective

People's Coats, Sweaters, and mixtures and plain backs. Priced \$3.95 to \$6.50. Two and four fancy collars. Two and four tone fancy collars. \$4.95 to \$10.00.

...a useful basis of... as far as that side is... France is promised a...ference on the whole debt ques-...tion and it is hoped that France...will come with a constructive plan...of her own. The French people...have had enough of a policy of ne-...gation and silence adopted by their...previous cabinet.

Bull?

"According to the government figures the number of Indians now in the United States is 250,000, and the number to become qualified as voters by the legislation of this year is about 135,000. The state which has the largest Indian population, of course, is Oklahoma, which includes the old 'Indian Territory,' but there is a considerable number of Indians in Arizona, Montana, New Mexico, South Dakota, North Carolina, California, Minnesota and Wisconsin.

The number of male Indians over 21 years of age in the United States is 60,000; the number of female Indians, squaws and girls, is 75,000. There is therefore, a majority on what the authors of Victorian age narratives are accustomed to call 'the distaff side'—if there is any distaff among the Indians in the United States—only 16,000 of whom (considerably less than 10 per cent), though living on farms, are described as "farmers" by the government which spends every year about \$17,000,000 in payments to Indian tribes under the terms of past treaties or for the support of what is known as the Indian office in Washington.

It has been remarked by some observant, but perhaps unsympathetic, persons, that as the number of eligible voters in the United States is increased by law, the number of those who do not vote keeps constantly falling off. This has led to the establishment of sundry organizations (some of men, some of women) having for their purpose the drafting to the polls of many of those who now abstain from voting.

"Some political alarmists have gone to the extreme of declaring that voting in this country should be made compulsory as the only possible means of securing a larger vote than is now the case. Some other persons have gone further in their demands and have insisted

that fines should be imposed on all those who having by law the right to vote do not, for one reason or another, exercise it. Some of them have gone even further in declaring that less than one-half the qualified voters in the United States do not vote even at a presidential election, and they deplore this as an evidence of political apathy.

"Whether it is intended, in addition to their other disabilities—racial, educational, physical and sociological—to impose fines, or perhaps imprisonment, on those Indians now for the first time qualified to vote, if they do not do so is not entirely clear, but it seems to many persons that such a course might be open to serious objections. After more than a century of strife, controversy and propitiation, the Indians of the United States have been brought to a condition of comparative law, order and peacefulness. The war dances are, generally, a thing of the past; 'Indian uprisings' have ceased, and what used to be known as 'the war path' is now a highway traveled by very few redskins in search of blood, profit or adventure.

"The appearance of the paleface official with his plans and projects for compulsory voting by Indians may, to some extent, upset all this, for by past training the reservation Indians, isolated from immediate contact with other elements of the population, have certainly no such knowledge of political conditions as to enable them to take part intelligently in a national election in the United States. And should there be any attempt to enforce their participation, in line with the demand of many extremists that all voting in this country should be made compulsory, new difficulties are likely to arise with the Indians in many places of which, fortunately, New York is not one. It was before the suffrage was extended to the Indians in the United States that Campbell wrote:

"As monumental bronze unchang'd his look;
A soul that pity touch'd, but never shook;
Train'd from his free-rock'd cradle to his bier,
The fierce extremes of good and ill to brook
Impassive—fearing but the shame of fear—
A stoic of the woods—a man without a fear.

Calif. Banning Record, Sept. 11, 1924.

ALL INDIANS MAY VOTE, SAYS LAW

26 Every Indian born within the territorial limits of the United States is now a full-fledged American citizen, and has suffrage rights and is subject to all citizenship responsibilities, including liability to personal and income taxes, Congressman Albert Johnson of Washington state, declares.

"The act approved June 2 of this year, grants this citizenship," said Johnson, "and it supersedes the requirements of the Burke act of 1906 under which the Indian bureau, through the competency commission, controlled the issuance of Indian naturalization certificates, thus limiting citizenship to competent Indians holding land in severalty and separated from tribal relationships."

NEVADA'S NOBLE REDS MAY CHOOSE THE PRESIDENT

A Reno dispatch, published in The Bee the other day, said the Indians in Nevada could muster 3,000 votes, and that the red men might control the result of the presidential election in the Silver State.

Furthermore, it certainly is possible for Nevada's three electoral votes to decide the choice of presidential candidates when the count is made at Washington. For they may be so cast as to throw the election into the house of representatives.

What a commentary on the present constitutional plan of electing the president and vice president of the United States!

The population of Nevada in 1920, according to the federal census, was but little over 77,000, and has since not greatly changed.

Arizona then had 394,000, and New Mexico 375,000. But yet each of these, with five times as many inhabitants as Nevada, has no more electoral votes.

This illustrates the numerous inconsistencies and inequalities of the electoral college system.

The constitution allows each state as many electoral votes as the number of its senators and representatives in congress.

On the basis of apportionment still in effect—the census of 1910—every state has one congressman for each 211,817 inhabitants. Although Nevada has far less than that number, she nevertheless is entitled to one electoral vote on the population basis, which gives her three in all.

Further comment seems to be needless.

OAKLAND, CAL.
TRIBUNE
JAN. 30, 1930

Citizenship

Help for Infirm ***Indians Approved***

SACRAMENTO, Jan. 30.—Non-reservation Indians living apart from tribal relations who have adopted the habit of civilization may be classed as citizens and are eligible to receive help under the state needy act. Attorney General U. S. Webb informed the state department of social welfare yesterday.

THE INDIAN AND THE VOTE

The California Indian is a citizen. As such he is entitled to all the rights and privileges of white citizens. He has redress in the Courts from those who would seek to deprive him of such rights and the more fearlessly and determinedly he asserts himself to defend his citizenship the sooner will his privileges be recognized and he be allowed to pursue his way in peace.

It is not necessary to reiterate for the benefit of the Indians that their citizenship has been established. The case of Ethan Anderson, an Indian, vs. Shafter Matthews County Clerk of Lake County, decided in the Supreme Court of California, settled this question definitely and indisputably. Unfortunately, however, many white people are not well informed in the matter of Indian citizenship. Probably to this lack of information may be attributed a statement of Mrs. H. A. Atwood, Chairman of Indian welfare for the California Federation of Women's Clubs. In a speech made at Pomona last month, Mrs. Atwood stated that the Indian was not a citizen and that she did not favor his immediate enfranchisement because he was not yet, in her opinion, able to use it wisely.

It is difficult to harmonize this statement with the rest of Mrs. Atwood's speech in which she shows herself to be much interested in Indian welfare.

However, there is no argument about enfranchisement for California Indians. As citizens they are entitled to vote and it would be rather difficult to show in what way they have used the franchise less wisely than their white brother.—California Indian Herald.

FRESNO, CALIF.
REPUBLICAN
SEPTEMBER 13, 1928

The Indian And His Vote

An interesting sidelight on the coming presidential election is the fact that although they were granted citizenship in their own country by Congress in 1924, thousands of native born, full blooded American Indians who have reached their majority will have their first real opportunity to express their preference for the "Great White Father" this fall.

In this connection it is estimated by the office of Indian affairs at Washington that there are now 340,000 Indians in 193 tribes in the United States today. Of this number, it is estimated that 18,812 are in California. These figures, according to the Associated Press, show an increase in the Indian population since the 1920 census, when it was estimated that there were 244,437 in the United States.

Until 1924 Indians had to "prove their competence" to handle their own affairs before being granted citizenship, and only two-thirds had attained that status. The voting privilege that year was so new that many Indians failed to exercise their franchise. And no wonder.

Considering the fact that the Indians once called their own all this great United States, it seems a fine bit of irony that only this coming November will most of them have their first real voice in the government of their country.

The figures on Indian population in the United States are interesting enough in themselves for publication. Here they are:

Some Indians live in each state, Oklahoma leading with 120,163 and Delaware trailing with two. Arizona has 43,950, South Dakota 24,241, New Mexico 22,481, California 18,812, Minnesota 14,300, Montana 13,142, North Carolina 11,969, Washington 11,695, Wisconsin 11,268, North Dakota 9,911, Michigan 7,599, New York 6,135, Nevada 6,130, Oregon 5,993, Idaho 3,963, Nebraska 2,620, Texas 2,110, Wyoming 1,808, Kansas 1,522, Utah 1,712, Mississippi 1,150, Louisiana 1,066, Maine 839, Virginia 822, Colorado 792, Massachusetts 550, Florida 466, Alabama 405, Iowa 363, Pennsylvania 358, South Carolina 304, Illinois 194, Missouri 171, Connecticut 159, Ohio 152, Georgia 125, Indiana 125, Arkansas 106, Rhode Island 106, New Jersey 99, Kentucky 57, Tennessee 56, New Hampshire 44, District of Columbia 37, Maryland 32, Vermont 24 and West Virginia 7.

FORTUNA, CAL. ADVANCE
MARCH 26, 1929

INDIANS TO BE GIVEN CITIZENSHIP

364
The door of citizenship will be opened to approximately 125,000 Indians by a bill favorably reported by the Committee on Indian Affairs of the House of Representatives.

The measure introduced by Chairman Homer P. Snyder, of the House Committee on Indian Affairs, and endorsed by Commissioner Burke, of the Indian office, authorizes the Secretary of the Interior at his discretion to issue a certificate of citizenship to any non-citizen Indian born within the territorial limits of the United States who may apply for it. Upon the issuance of the citizenship, the bill states, "he or she shall be a citizen of the United States." A proviso stipulates that the citizenship shall not in any manner impair or otherwise affect the right of the Indian to tribal and other property.

Already two thirds of the entire Indian population of the United States enjoy American citizenship, the actual number being around 200,000. The proposed act will throw down the present bars that have prevented many Indians from becoming citizens and open the way to them by making application to the Secretary of the Interior and securing a certificate. In explaining why there are 125,000 Indians that were not citizens, Commissioner Burke said that under the present laws they could not achieve citizenship unless they left their reservation, separated themselves from their tribes and took upon themselves the habits and mode of living of white people.

The Snyder bill, he added, will permit the Indians to obtain a citizenship certificate from the Secretary of the Interior, regardless of whether they reside on reservations and regardless of their present mode of living.

Sherman Inst.

U.S. NEGLECTS INDIANS, HELD

364
Failure to Give Redskins
Citizenship Scored By
Speaker at Rotary

Decrying the nation's neglectfulness of the American Indian, in so far as making him a citizen of the United States is concerned, Charles Sells, head of the Sherman Institute at Riverside, addressed the Rotary club at its noon luncheon gathering today.

"Forty per cent of the Indians of the United States of age to fight, volunteered as American soldiers in the World War and yet none of these same soldiers who risked their lives for the nation are American citizens today; they are the most alien of aliens, because citizenship opportunities are not granted them."

Sells brought with him two Indian boys, examples of what Sherman Institute has done for the education of the Indian. Martin Napo, who was highest honor student at Sherman this year, sang two Scotch songs to the club; two other songs were sung by William Lorenstein, who won the cup at Sherman for military drill, next highest honor at the institute.

Sells is taking the two Indians on a program tour, in order to raise funds for further educating them; since the government provides for their education only thru the institute.

APRIL 2, 1926

LEGAL STATUS OF THE CALIFORNIA INDIANS

"California Indians have a legal status as federal wards that differs widely from their actual status as the wardship is administered, and this theoretical status, created at a time when the local populations were hostile to the Indian, and the federal government was, potentially at least the active guardian of his welfare, survives in an instance where the guardian is indisputably slothful and the state is at least more indifferent than inimical."

This charge was made by Chauncey Shafter Goodrich in an article published in this month's edition of the "California Law Review," the magazine of the School of Jurisprudence of the University of California.

Goodrich analyzed and cited laws bearing on the legal status of the California Indian. He contends that the rejection of land treaties with the Indians has driven them to small barren reservations; in this regard he says:

"The reservations provided by the rejected treaties were similarly treated as part of the public domain and opened to entry. As the land was gradually taken up by the settlers, the Indians were scattered and driven to the hills. Many years later, out of the remaining and less desirable public land, small executive order reservations, in the main wholly inadequate as to acreage, soil and water have been set aside for the use of approximately one-third of the remaining Indians."

Because they were unable to make a living on this poor land Goodrich contends the Indians were forced to hire themselves out for wages. He also says that California Indians are the "step children of the Great White Father," and unlike the wealthy Indians east of the Sierras, are needy and receive less in health and educational services than the average throughout the country.

SEPTEMBER 6, 1928

A TARDY STEP

Several hundred thousand Indians, heretofore denied the ballot, will be eligible to vote at the coming presidential election thanks to a law passed since 1924, removing them from the same classification as "insane, convicts and other ineligible."

In our treatment of the Indian there is little of which honest and fair-minded Americans may be proud. We robbed him of his land, swindled him at every opportunity, and generally adopted and practiced the old saying that "the only good Indian is a dead one."

For decades we admitted to citizenship foreigners who came to our shores and were barely able to converse in English. Indians educated as well as those who were not college graduates, were denied the ballot. This policy was as unjust and as short-sighted, as denying the ballot to women.

It took us a long time to wake up. We have much to make up to the aboriginal American, and if giving him the same standing as a citizen that his white conquerors enjoy, will even partially pay off our debt to him, we should have been quick to take advantage of the opportunity to bestow full citizenship privileges on him.

There may be instances in which the vote of the Indian will be perverted. No matter to what total they may reach they cannot compare with the total perversion of foreign-born citizens.

Many times in the past there must have been occasions when the Indian laughed to himself at the halo of wisdom which the white man threw around himself. The Indian has a sense of humor, and denying him the ballot, even though it must have filled him with resentment, must have given him many an opportunity for a quiet chuckle at the superior intelligence of the white man.

Correcting our former attitude is to bring us just a step near convincing the world that we really meant it when we said "all men are born equal."

INDIANS WILL VOTE AT NEXT ELECTION

All native born American Indians are now citizens of the United States and have the right to vote as such, that right being subject to and sometimes limited by the laws of the several states, according to a statement from the Department of the Interior.

Up until 1924 citizenship was not granted an Indian until he was considered competent, or, in other words, when he was able to handle his own affairs. In

that year Congress passed a law which gave citizenship to all native born Indians. The franchise was so newly granted that no great use was made of it in the election of 1924. The election this year is the first general election at which American Indians will have a fair chance at the exercise of the franchise.

There are about 340,000 Indians in the United States. They are members of 193 tribes and live in every state. Their numbers are greatest in Oklahoma, second greatest in Arizona, third greatest in South Dakota.

S.F. Chronicle - Oct. 11, 1928. 5

INDIANS MAY VOTE ON NOV. 6

Franchise Extended to All Who Can Qualify as U. S. Citizens

The people who governed this country long before Columbus or any other white man set foot on the continent are at last to be given again a share in guiding its destinies. The Indians, denied a vote for generations, may express their preferences at the polls next month at the presidential elections, according to a notice received here yesterday from the Department of the Interior.

There are now, according to the department, 340,000 Indians in the country, in 193 tribes. Oklahoma has the greatest number, 120,163, and Delaware the fewest, just two. California has 18,812.

Before 1924 only a few selected tribes of Indians and individuals were permitted to vote, but in that year Congress extended the franchise to all Indians who could qualify as citizens, their ability to read and write being one of the requirements.

The act came too late for the 1924 presidential election, so this year is the Indians' first opportunity to cast his ballot.

Registrar Harry I. Zemansky said yesterday that the bulk of the Indian vote in California would be cast in Del Norte county.

"The Indians in Del Norte have many educated and alert electors, and they take genuine interest in exercising the franchise," he said.

Indian Pupils Will Benefit By New Law Giving Citizenships

Indian pupils in Fresno county schools will benefit from the new law recently enacted by Congress giving citizenship privileges to all Indians, according to Clarence W. Edwards, county superintendent of schools, who recently returned from a conference with L. A. Dorrington, superintendent of the Sacramento Indian agency, with headquarters in the capital city.

Formerly it was the custom of the Government to give allotments for each Indian pupil in the schools equalling the amount appropriated by the county for the education of each little pale-face.

Mr. Dorrington, who is in general charge of the affairs of the Indians in Fresno county, stated that this would continue. It is probable that the Indians who will receive the privileges of citizenship will also enjoy that greatest privilege of all—that of being taxed. This, in the belief of Mr. Edwards, will double the fund for the education of Indian children.

The county superintendent was also informed by Dorrington that contrary to general belief the Indian races of the United States are steadily increasing in population.

INDIAN VOTE TO BE DECIDING FACTOR

Last Minute Rush To Klamath Reservation Made By Op- posing Parties, Who For- got Until To-day

KLAMATH FALLS (Or.), Nov. 3. With the county apparently about evenly divided on local Republican and Democratic candidates, it has suddenly dawned on politicians here that the balance of power lies with a hitherto dormant vote, Indians on the Klamath Reservation, this year eligible to vote on a par with their white brethren.

When the law was passed enabling them to vote, 700 of them joyously rushed to register. The fact was commented on and then forgotten. Now, on the even of election, Republican and Democratic candidates have awakened to the fact that those 700 votes, the unknown quantity, are sufficient to turn the tide in favor of those who can corral them.

Hasty Drive Launched.

Cars are leaving here to-day, carrying not only those who are supposed to have influence with the Indians, but also bales of hastily printed matter on red paper, calculated to exert a last minute favorable influence on the reservation.

OCTOBER 4, 1928

INDIANS WILL VOTE AT NEXT ELECTION

All native born American Indians are now citizens of the United States and have the right to vote as such, that right being subject to and sometimes limited by the laws of the several states, according to a statement from the Department of the Interior.

Up until 1924 citizenship was not granted an Indian until he was considered competent, or, in other words, when he was able to handle his own affairs. In that year Congress passed a law which gave citizenship to all native-born Indians. The franchise was so newly granted that no great use was made of it in the election of 1924. The election this year is the first general election at which American Indians will have a fair chance at the exercise of the franchise.

There are about 340,000 Indians in the United States. They are members of 193 tribes and live in every state. Their numbers are greatest in Oklahoma, second greatest in Arizona, third greatest in South Dakota.

MARCH 1, 1925

The Indian Voter

364
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Pertinent to the pending senate bill denying to Indians the privilege of voting, the forty-second annual report of the Indian Rights Association notes: "The extent to which Indians will become subject to state laws by reason of the right of suffrage conferred upon them is somewhat problematical, especially in relation to Indians living together within their reservations. Many of the questions which will arise will no doubt find their way into the courts for their determination. We hail the advent of the Indians as our equals before the law."

The chief objection to giving to the Indian the privilege of voting is his supposed lack of intelligence. The Indian is not alone in that form of poverty. The so-called literacy test does not disclose any sufficient degree of intelligence even when it is honestly applied. And it is not applied with any certainty in our elections. But a voter might write his name and be able to stumble through a clause of the constitution and yet be woefully ignorant of all questions to vote upon which he might be admitted. On the other hand, there are other men who cannot read or write who are distinguished for their sound judgment, their gift of observation and their general understanding of things of community or public concern.

Where shall the line be drawn between intelligent and non-intelligent voters? We do not know, but we do know that the ability to write one's name or to read a little is not an indication of a satisfactory degree of intelligence.

An objection would be offered to make the literacy test more difficult; it would be said of it that it was contrary to the spirit of democracy; that it would exclude many persons from a voice in the public affairs. But our present literary test does that very thing. Again, where is the line to be drawn, if we have a line?

SEPT. 10, 1924

How 'Red' Are These Indians?

INTERESTING development in Nevada. There are 3000 citizen Indians in that State. These Indians are eligible to vote at this election and it is the first general election at which they have been eligible.

Their tribal leaders are urging them to exercise the franchise in November, always with the proviso that they would not forfeit any reservation or other protective privileges. And Superintendent James E. Jenkins of the Indian Service has instructed them that no such privileges would be jeopardized, and that they are entitled to act as citizens at the polls.

Four hundred Shoshones are about to hold a council at Battle Mountain at which their status will be explained. Other tribes are planning similar councils.

Now, this long-delayed entry of the red man into the governmental affairs of the conquering race is a bit of real history in itself. But it takes on a particular significance in the fact that, if these 3000 Indians all register, and if they vote as a body, they will swing the State of Nevada.

Politicians say the Indians will hold the balance of power. This appears not unlikely. In 1920 Nevada gave 15,479 votes to Harding and 9851 to Cox in a runaway Republican year. In 1916 Nevada gave 12,131 votes to Hughes and 17,778 votes to Wilson.

This year a solid block of 3000 votes might well determine a doubtful State.

The sentiments of these Indians, therefore, become, for the first time, politically important. Are they Republicans, Democrats or Progressives? What did they think of Teapot Dome, and what do they think of the Dawes plan? Are they in the farmer group? How "red" are these Indians?

It would be a striking bit of historical irony if these people whom we have oppressed and all but exterminated should swing the key State in a tied-up election and determine the American presidency at this world-juncture!

REDONDO, CAL., BREEZE 198

OCT. 29, 1924

Citizenship

THE INDIAN VOTER

There are nearly 200 Indians on the Fort Yuma reservation entitled to vote. Of this number recent advices were that only twenty-five had registered. They have taken little interest in the election, although elections in Imperial county often have been decided by less than 200 votes. Thus it is seen the solid Indian vote would be worth cultivating.

It is not surprising that the Indians should have no touch of political fever. They have existed under many changes of administration. The fact must be admitted that one administration has been much like another to them; uniformly they have been given the "short end" of every deal with the government. The Indian has not been trained for citizenship; on the contrary much of his training has tended to unfit him for citizenship. His contact with the superior race has not been such as to evoke admiration. If he considers the franchise at all, it must be with a grunt which means "Oh, what's the use?"

Moreover, one hardly could blame the red man for the civic dereliction, when so many of the whites are guilty of the same offense.

THE INDIAN VOTE

QUITE A few persons are speculating upon the effect of the Indian vote in Nevada this year and hereafter. As a result of recent federal legislation giving all Indians complete citizenship they are entitled to vote under the same laws as whites, and inasmuch as the officials in charge of the Indian service, under department instructions, are advising them to study political questions and exercise their franchise, it is to be supposed that many of them will go to the polls.

The census reports and election returns do not bear out some of the estimates as to the probable Indian voting strength in this state, though. One newspaper has it figured out that three thousand Indian ballots will be cast in Nevada in 1924. Supt. Jenkins, in charge of the service here, thinks that 1500 votes is the maximum expectancy.

The 1920 census reported 4907 Indians in Nevada. In the same year there were 72,400 persons of all other races, and of the latter 27,400 voted. If the Indian population is the same as in 1920, and such is the case, and they vote in the same proportion as the whites, they will cast 1673 votes this year, but no one familiar with the Indian will believe that any such vote will be cast. The number is more apt to be one thousand or less.

Thus for most of the Indians in this portion of the state have registered as Republicans. Indian officials, all of whom are under the civil service laws, and who are members of both the dominant parties, disclaim having exercised any political activity among the Indians living either upon or apart from the reservations. That most of them have registered as Republicans is explained by the incident that President Coolidge favored and signed the bill extending their rights as citizens.

The point has been raised that the Indian vote might become corrupt, that the Indians might be colonized and voted as negroes have been in various states, and as the Mexicans have been politically degraded in New Mexico. If this should come about it would become a proper subject for legislative action. Every state has the power to enact an educational test as a qualification for voting and such a remedy could be employed, if needed.

Until such a situation arises, however, there is nothing to become excited about. The Indian is entitled to the same opportunity that has been extended to the negro, to the American born Chinese and to the millions of of foreigners who have become residents of this country.

ALL INDIANS NOW CITIZENS

Every native-born Indian in this country is made a citizen of the United States by act of President Coolidge in signing the Indian citizenship measure. About 125,000 Indians are given citizenship by this latest act of Congress. About 200,000 Indians already have been made citizens.

This is merited recognition of the claims the American Indian has upon the paleface. The Indian of today has yielded to the educational accommodations insisted upon by the white man. Many educated Indians have demonstrated their abilities and usefulness. They deserve citizenship. Furthermore, as a matter of sentiment, Indians should be enfranchised. They are the aborigines of this country—their forbears were. The white man wrested this continent from the Indian. While enmity between the two races was long and bitter, yet in these latter days feeling between them has improved. The animosities of generations ago have passed. The Indian has passed to a civilized state. He should be and will be a citizen—a full-fledged American.

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The animosities of generations ago have passed. The Indian has passed to civilized state. He should be a citizen—a full-fledged American.

RED CITIZENS

THE yellow man may not be a United States citizen, but the red man may be, and is. An act of Congress just signed by President Coolidge grants citizenship to every native-born Indian in this country.

The Indians remain wards of the government as far as their property is concerned. Uncle Sam will continue, for the present, to look after their tribal possessions as if they were minors and he their guardian. But they are endowed with political rights, and the rest will come in time.

It seems fitting that the original American should thus become an American citizen. The race as a whole deserves it because of its native capacity and the progress it has made. It would doubtless make progress more rapidly under a more intelligent system of guardianship on the part of the government. Governmental treatment of the Red Man, with rare and transient exceptions, has never been anything to be proud of. Now that the Red Man has a vote, his rights may be more highly respected. His own leaders may compel reforms, on the reservations and in bureaucratic Washington.

Indian Citizenship

THOUGH the United States has granted citizenship freely to aliens, for the most part it has been denied to the original native Americans, misnamed Indians. Therefore the bill recently passed and signed by the president granting citizenship to all Indians born within the United States is a belated act of justice, if nativity on American soil is the virtue it has been assumed to be. Hitherto but a minor portion of persons of Indian blood have been citizens, those living on reservations being considered wards of the government, in a sense minors who need guardianship.

It happens, however, that along with citizenship, the wardship is not terminated. Thus after all it is a restricted grant. Those affected by the law will not be entirely free agents. They will retain their tribal relations and property rights therein. If citizenship gives such the right to vote and standing in the courts of law that would seem to be about all. It may be that most of them will care so little for the boon of suffrage that they will neglect to exercise it. If so they will follow the course of about half of Americans not Indians.

However, these limitations are in the financial interest of the Indians. Their white neighbors, doubtless, would prefer that the citizenship granted be given broader scope. A great many whites feel that whatever of value an Indian has by right belongs to the whites. Were the Indian citizen free to barter what he possesses it would not be for long that he would have it. Not having been under the necessity of caring for his own he has not learned to protect his own interest. Thus there was wisdom shown in the government retaining control.

Given the vote it may be that the Indians will advance to a point where they will be capable of contending with whites on even terms, but we doubt whether the new status will be highly appreciated. Even Indians may have a sense of humor and they may realize that given limited rights without being fully endowed as citizens is rather empty honor.

Los Angeles, Cal., Times
JUNE 12, 1924

Tomorrow: Kendrick Drives.

ALL NATIVE INDIANS ARE MADE CITIZENS

BILL SIGNED BY COOLIDGE
DOES NOT AFFECT
TRIBAL RIGHTS

[EXCLUSIVE DISPATCH]

WASHINGTON, June 11.—“As a result of the signing of the Indian Citizenship Act by President Coolidge every native-born Indian in this country is made a citizen of the United States,” said Charles H. Burke, Commissioner of the Bureau of Indian Affairs, today.

“The number of Indians given citizenship by the new legislation,” he continued, “is approximately 125,000. There are 200,000 Indians who have already been made citizens by various acts passed by Congress in the past. The law just signed by the President lets down the bars and includes every Indian born within the territorial limits of the United States.”

Commissioner Burke further stated that the granting of citizenship does not remove the restrictions on the lands of the Indians now under government guardianship, the Supreme Court of the United States having held that wardship is not inconsistent with citizenship.

The bill providing citizenship for Indians, as originally introduced and passed by the House of Representatives, authorized the Secretary of the Interior in his discretion to issue certificates of citizenship to Indians who made application for them. It was amended in the Senate to grant citizenship outright to all noncitizen Indians, and this amendment was finally adopted by the House. President Coolidge signed the legislation as amended.

A provision in the act granting citizenship to all the Indians the United States stipulates that the Indians' right to tribal or other property shall not be impaired otherwise affected.

Los Angeles, Cal., Times

JUNE 1, 1924

Citizenship

JUSTICE FOR THE INDIANS

Amidst the confusion of investigations and approaching national conventions, what may prove to be an epochal event in American history, second only to the enfranchisement of the American negro, occurred last week in Washington almost unobserved. It was the passage of an act of Congress conferring citizenship on the American Indian.

This act rights a wrong that was becoming a national scandal. For more than a century a race that has proved itself capable of high cultural development has been kept in a condition of involuntary servitude. Millions of immigrants were received who possessed no more natural abilities than the Indians. Full citizenship was accorded to them after the legal term of probation. The courts were open to them for the redress of wrongs from the day of their arrival.

During all these years citizenship was denied to the Indians. They were subjected to the paternal administration of the Indian Department and became the sport of partisan politics. Every race residing in this country was granted free entry to the courts, except the American Indian. Under the control of the Indian Bureau this free avenue for the redress of grievances was denied to them.

Restrictions unworthy a free and justice-loving people have been removed by the recent act of Congress. It provides that:

All noncitizen Indians born within the territorial limits of the United States be and are hereby declared to be citizens of the United States.

This bill was passed over the protests of the politicians in the Indian Bureau and in the lower house of Congress. It originally passed the House of Representatives in the following form, in which the trail of the politician is clearly visible:

The Secretary of the Interior is hereby authorized, in his discretion, under the regulations prescribed by him, to issue a certificate of citizenship to any noncitizen Indian born within the territorial limits of the United States who may make application therefor, and, upon the issuance of any such certificate to any Indian, he or she shall be a citizen of the United States.

But the Senate decided to go the whole way. The act was amended by conferring unrestricted citizenship; and when it went to conference in that form the House concurred.

By legalizing this natural right a double purpose is served: a stain upon just government in the United States is removed and the knell of the Indian Bureau is sounded. While there have been many good men in the Indian Department, the record of a generation shows that it has formed almost continuously a part of the pernicious spoils system.

Frequently has The Times been compelled to condemn the acts of the present Senate. It had sunk so low that it had almost completely lost the confidence of the mass of the American people. Its opposition to the administration, generally dictated by partisanship, envy and personal ambition, has been at the same time opposition to the will of the American people.

But in conferring citizenship on the American Indian it has enacted both a noble and a notable piece of legislation. It recalls Burton's comment, written 300 years ago, on the great Carthaginian, "Hannibal, as he had mighty virtues, so had he many vices; he had two distinct persons in him."

This dual personality applies often to legislative assemblies. There are statesmen of high rank in the present Senate and there are demagogues and self-seekers of low degree. In legislation where their personal interests are not concerned the demagogues and self-seekers may follow the leadership of the statesmen; but, when the public interest comes in conflict with their personal interest, the public interest suffers.

LO, THE POOR CITIZEN! Indian Likely to Find That His New Status Means Also Taxes

WHAT are the implications of the new Indian citizenship act, recently become law, which Indian Commissioner Burke says will make every native-born Indian a citizen of the United States?

There are Indians with considerable property who have hitherto escaped taxation because they are Indians, not citizens, and therefore, in the words of the constitution, "not taxed."

Is it not possible that the Congressional representation of some States where Indians are numerous may be raised as an effect of this act? Under the constitution "Indians not taxed" are excluded from the enumeration on which Congressional representation is based. Now they are citizens, we are told, and so presumably taxed.

Another implication seems to be that, as citizens, Indians will no longer have to submit to the nonsense from time to time visited on them by well-meaning but misguided "civilizers" in the Bureau of Indian Affairs. A few years back the Government was jailing Arizona Indians in an effort to make them cut their hair. Now, we suppose, the Indian, like his white sister, may wear his hair to suit himself. He can appeal now to habeas corpus, a matter to which hitherto the Government has paid little attention in dealing with Indians.

JUN 8 1924

FOR THE PEOPLE

HOUSE PASSES INDIAN BILL OF ANGELENO

Act Written by J. A. Woman
Grants Citizenship to Tribes
in U. S.; Approved by Senate

By FLAVIA GAINES LEITCH

"That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby declared to be, citizens of the United States."

This is the bill that gives the American Indian his citizenship. It took one minute to draft it, but many years to secure its passage through Congress.



Ida May Adams, a woman attorney of Los Angeles, who has been interested in Indian welfare since she was 15 years old and who "mothered" the bill, wrote it in less than sixty seconds in the office of Senator C. C. Dill on the morning of the 17th of last December, and in the afternoon of the same day had the pleasure of hearing it introduced in both the House and the Senate, Senator Dill of the State of Washington presenting it to the Senate and Congressman Howard of Nebraska taking it to the House.

It was a memorable day for Miss Adams—a day which she had anticipated for years. The twenty-six-word bill, expressed in the simplest language but meeting the requirements of the law, embodied the great drama in the life of the Indians and the arduous struggle and the ofttime discouraged efforts of a woman who had sponsored their cause.

But short and concise as it is, it presents them the unqualified, full and glorious freedom that accompanies American citizenship and safeguards them from any political intrigue that might grant citizenship in exchange for election influence or support.

Two Indian citizenship bills were introduced about the same time. The other was originated in the House and was championed by the Indian Bureau System. This bill passed the House over the one that was drafted by Miss Adams. It was, however, defeated in the Senate while Miss Adams' bill was passed and was then sent back to the House with a request that that body concur with them and give the Indians their unqualified citizenship.

"Four resolutions pertaining to the Indians were presented before the advisory council," said Miss Adams yesterday. "Three of them were passed, but my resolution on Indian citizenship was voted down by the very council whose aid I so earnestly hoped to secure."

"After the introduction of the bill it was immediately referred to the Indian Affairs committee and I, being so fearful that it would not pass, went to call on every member of the committee on the following morning and in the days that followed made a personal appeal for its passage to ninety-seven Senators and Congressmen. Every man pledged his support. All the while the Indian Welfare League of Los Angeles was working quietly and powerfully to secure sufficient influence to pass the bill."

"We do not believe that citizenship is a panacea for all their ills, but it will open many doors to education, sanitation and health and it will be a foundation for future advantageous legislation."

Among the members of the Los Angeles Welfare League are: Mrs. Anita Baldwin, Gene Stratton Porter, William Jennings Bryan, Dr. John Comstock, Edward S. Curtis, William S. Hart, Ida May Clark, Marah Ellis Ryan and Cleveland Moffitt.

L. A. Portia Aids Indians Win Their Citizenship

064 ✓
Battles in Washington Until
Franchise Is Granted
by Congress

That all non-citizen Indians born within the territorial limits of the United States be and they are hereby declared to be citizens of the United States.

The foregoing is the entire text of a bill just enacted by congress and now law. While it is probably the shortest piece of legislation ever passed by congress, in its effect it is far-reaching because it confers citizenship upon the aborigines of the land and places them in line for suffrage in states where the mere fact of citizenship does not already put them.

AIDS BILL

The one person responsible for the passage of that statute, above all others, is Ida May Adams, an attorney of Los Angeles. She, as the agent of Indian Welfare League of Los Angeles, went to Washington as the representative of that organization, the only body represented, and aided in getting the bill through congress.

Miss Adams wrote the bill at the request of Senator Dill of Utah and it was introduced simultaneously in the senate and house by Senator Dill and Congressman Howard of Nebraska on December 17, 1923. Through the efforts of Miss Adams the bill was reported favorably out of committee last April 17 and passed this week.

The entire matter grew out of the trial here of 54 Indians, indicted on charges of conspiracy to defraud the government by, in effect, alienating affections of Indians for Uncle Sam.

INDIANS FREED

Miss Adams defended the ac-



MISS IDA MAY ADAMS

cused, securing the dismissal of the indictments and the liberation of the Indians. Growing out of the case came the organization of Indian Welfare League. Having been called to Washington by Secretary of the Interior Work to appear before the advisory board of Indian affairs, Miss Adams saw all but three members of the board and talked with 97 members of congress, all of whom promised to vote for the bill, which makes citizens of 336,000 Indians, about 14,000 of whom live in California.

"I feel now," said Miss Adams, "that we have removed the last vestage of bondage from a people to whom the government of the United States owes much."

MAY 14 1930

No Aliens Among Our Indians

NO DOUBT the citizenship of people whose ancestors were the first residents of America does seem strange. Yet any number of people are heard to wonder whether Indians are citizens of the United States. The answer, as given by the Federal Board of Indian Commissioners, is that all Indians without exception are citizens.

However, Indians are not citizens by virtue of their ancestry or their original claims to a native land. Until about six years ago, only two-thirds of them had become citizens through a series of special enactments. An act passed in June, 1924, extended citizenship to all those still outside the fold.

Whether Indians are voters or not is dependent, as in the case of all American citizens, upon the laws of the state and district in which they live. The great majority of adult Indians are either actual or potential voters, but it would be extremely difficult to estimate how many of these really exercise their rights at the poll. Sioux Indians in North Dakota voted for thirty years before they were pronounced citizens of the United States, it is said.

PITTSBURGH, CALIF.
INDEPENDENT

MAY 13, 1980

Citizenship

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California Indians : Legal

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DR. C. HART MERRIAM
RESEARCH ASSOCIATE SMITHSONIAN INSTITUTION
(E. H. HARRIMAN FUND)

ADDRESS: 1919 SIXTEENTH ST.
WASHINGTON, D. C.

SUMMER ADDRESS
LAGUNITAS, CALIFORNIA

WASHINGTON, D. C.

January 30, 1936

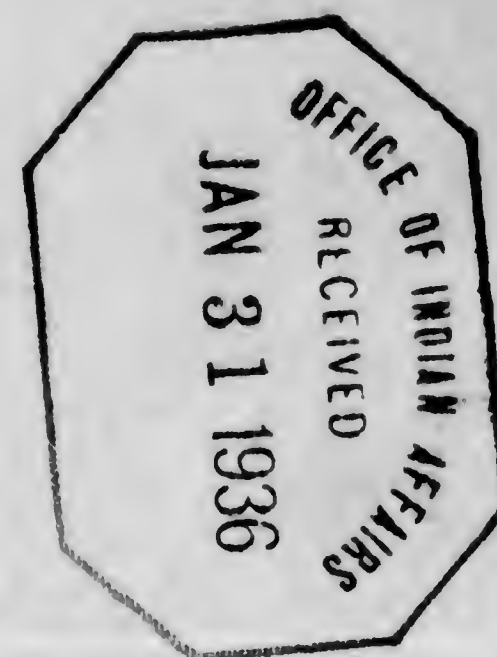
Office of Indian Affairs
Washington, D. C.

Dear Sirs:

If available, I would greatly appreciate your
sending me a copy of your memorandum "Birdseye View
of Indian Policy".

Very truly yours,

C. Hart Merriam



UNITED STATES
DEPARTMENT OF THE INTERIOR
MEMORANDUM FOR THE PRESS

Dec. 1937

FOR IMMEDIATE RELEASE

Five million acres of our national heritage of wild country gained protection against the intrusion of mechanized civilization when Harold L. Ickes, Secretary of the Interior, and John Collier, Commissioner of Indian Affairs, issued an order designating as roadless areas 12 tracts of Indian lands, and as wild areas, four tracts.

This decision, reached after careful surveys, sets aside large tracts in eight states in which motor cars and motor roads are taboo. The largest area is the 1,590,000-acre Rainbow Bridge region on the Navajo Reservation, in Arizona and Utah.

The domain of the American Indian has been repeatedly encroached upon through the years. Now nearly five million acres of the wildest remaining Indian country are being protected against the losses, friction and depredation which have often followed in the wake of unwarranted penetration of unspoiled areas. Thus conserved against exploitation, these areas will be among the few places on the North American continent so safeguarded.

The new order is a fulfillment of one of the promises implicit in the Indian Reorganization Act of 1934, the promise to permit the Indian to follow his own way of life.

The establishment of wild and roadless areas marks the last frontier behind which the Indian may rest secure for a time against the encroachment of a tempo he has never uniformly accepted.

The Indian Office order indicates that establishment of such "quiet zones" may constitute a boon to whites as well as to Indians. Undoubtedly, these retreats will be sought by many persons in search of unspoiled wilderness. It is one of the advantages of the sanctuaries that Indians will be enabled to add substantially to their incomes by acting as guides for outsiders. Thus it is anticipated that non-Indians as well as Indians will find pleasure and profit in places where motor cars shall not pass.

The text of the order setting up these areas follows:

"Mechanization is growing in America with ^{what a sentiment!} unprecedented acceleration. Activity after activity which for countless generations have been performed directly by man power and area after area which have been subject only to the forces of nature are now dominated by machinery. To millions of Americans this constitutes an unmitigated blessing.

"There are other millions who, while they appreciate the good which the machine can bring, also have an intense craving for another type of existence. They do not see why their life must be lived entirely in the world of machinery when there is ample space in this great country for another world as well. They cannot believe that with vast stretches which need not be used for the mechanical activities of our civilization, it is necessary to make every nook and corner of the country a part of the machine world and to wipe out all sizeable traces of the primitive.

"It is perfectly feasible to reserve for such people something of those wilderness values which they crave. A little advance planning and a little balancing of the claims of genuine conflicting values will make it possible to save many areas from mechanization. In the past a great many ideal wilderness areas

have been opened by roads which were of no necessity and which have never returned in value of service anywhere near the investment which has been put into them. Had there been a little prior thought about a reasonable balance between primitive and developed areas, these roads would not have been constructed.

"From the standpoint of the Indians, it is of special importance to save as many areas as possible from invasion by roads. Almost everywhere they go the Indians encounter the competition and disturbances of the white race. Most of them desire some place which is all their own. If, on reservations where the Indians desire privacy, sizeable areas are uninvaded by roads, then it will be possible for the Indians of these tribes to maintain a retreat where they may escape from constant contact with white men.

"The present Indian Service policy emphasizes giving the Indians an opportunity to work for their livelihood. One important potential source of enjoyable and remunerative work is for the Indians to guide parties on camping and pack trips. It is obvious that no one is going to require a guide to travel down a road. The possibility for Indians to make money through guiding lies in maintaining portions of their reservations in a wild enough condition so that some one visiting them might conceivably need a guide.

"In spite of these important advantages of maintaining roadless areas in general and especially of maintaining them on Indian reservations, it is nevertheless true that roadless areas are rapidly vanishing. The National Resources Board defines a roadless area as one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country and at least 500,000 acres in non-forested country. Under such a definition there are left in the United States only 82 forest roadless areas and only 29

non-forest roadless areas. The number of such areas on Indian reservations is even more limited. Clearly, it seems exigent to set aside as many as practicable while the opportunity remains. Consequently, I am establishing the policy that existing areas without roads or settlements on Indian reservations should be preserved in such a condition, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise.

"Under this policy, I hereby order that the following shall be established as roadless areas on Indian reservations:

<u>Name of Area</u>	<u>Reservation</u>	<u>Approximate Acreage</u>
Rainbow Bridge	Navajo (Utah and Arizona)	1,590,000
Black Mesa	Navajo (Arizona)	820,000
Grand Canyon	Hualapai (Arizona)	530,000
Painted Desert	Navajo (Arizona)	525,000
Black River	San Carlos-Ft. Apache (Arizona)	325,000
Wind River Mountains	Shoshone (Wyoming)	220,000
Columbia-San Poil Divide	Colville (Washington)	155,000
Mt. Thomas	Ft. Apache (Arizona)	130,000
Mission Range	Flathead (Montana)	125,000
Mesa Verde	Consolidated Ute (Colorado)	115,000
Goat Rocks	Yakima (Washington)	105,000
Mt. Jefferson	Warm Springs (Oregon)	105,000

"There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts the National Resources Board has designated as wild areas. I hereby order that the following shall be established as wild areas on Indian Reservations:

<u>Name of Area</u>	<u>Reservation</u>	<u>Approximate Acreage</u>
Mt. Adams	Yakima (Washington)	43,000
Fort Charlotte	Grand Portage (Minnesota)	19,000
Grand Portage	Grand Portage (Minnesota)	11,000
Cape Flattery	Makah (Washington)	6,000

"Within the boundaries of these officially designated roadless and wild areas it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of way constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment. Foot trails and horse trails are not barred. Superintendents of reservations on which roadless and wild areas have been established will be held strictly accountable for seeing that these areas are maintained in a roadless condition. Elimination of any areas or parts of areas from the restriction of this order will be made only upon a written showing of an actual and controlling need."

OUR STEP-CHILD, the INDIAN

VI. California Indian Bills in Congress

By CHAUNCEY SHAFER GOODRICH

FRIENDS of the California Indian have introduced in the first session of the sixty-ninth congress two bills intended to remedy the prevailing conditions to which earlier articles in Saturday Night have adverted. These bills will come up for consideration at the second session of that congress, which convened this month.

One of these bills, introduced in the senate by Senator Johnson and in the house by Congressman Swings, provides that, in a two-year period by experiment, all funds appropriated by congress for the education and the health service of California Indians, and for the relief of the aged and infirm among them, shall be administered exclusively through state agencies, viz., the state department of education, the state department of health, and the state department of public welfare, respectively.

These state agencies are to submit budgets for the approval of the secretary of the interior, and, under reasonable regulations imposed by him, are to have the use of federal Indian buildings, equipment, records, etc., as well as quarantine power in the reservations. The secretary is to report to a subsequent congress on the success of the experiment, and to recommend the continuance or discontinuance of this new policy. Sherman Institute, the large Indian boarding school at Riverside, which draws its pupils from several western states, is specifically excepted from the scope of the experiment. A similar bill on behalf of Wisconsin Indians has been introduced by members of the delegation from that state and is similarly pending. Other states are expected to follow.

Ever since 1871, when congress forbade the making of further treaties with Indian tribes, and entered upon a new policy that aimed at the eventual merger of the Indian with the general body of citizens in the several states, there has been a well-defined and constant tendency, on the part of congress and its executive agent, the Bureau of Indian Affairs, to slough off responsibility for the individual Indian. The policy has been called that of "individualization." Its definite object has been to break up the economic and social bonds of the tribes, in the main, through destroying the communal ownership of tribal land and allotting it in parcels to individual Indians, to whom, generally, after a trust period, patents were issued in fee.

Successive grants of citizenship to different classes of Indians, followed in 1924, by an act of congress making all the remaining 150,000 tribal and reservation Indians citizens of the nation and the states, have also been in furtherance of this policy. The supreme court of the United States might declare, and it repeatedly did, that an Indian, even though he had become a citizen, remained a ward of the nation, and as such was entitled to federal care and assistance. To the federal executive, however, the citizenship of the Indian actually meant a lessened responsibility, if not one completely terminated, and the language of the supreme court was wasted in the face of this reality.

It is too late to criticize the policy of "individualization." Its record is now a matter of history. Under it primitives, to whom the notion of individual property was alien, more or less, suddenly became owners of real estate, with the result that almost overnight they were teased or coerced into making deeds, for insignificant consideration, to white men, and thus many tribes have irretrievably lost their lands. It is not too late, however, to point out that this policy, expressing itself also by cutting down congressional appropriations for Indian welfare, and remitting responsibility for the welfare of the Indian population to the states has been, and still is, prosecuted by the United States without effective notice to the several states or any intelligent attempt to obtain their co-operation in the inevitable period of transition. An instance may be cited:

In 1917 the supreme court of California rendered a decision holding that a California Indian who did not live a tribal life was a citizen of the state, and, therefore, entitled to vote, even

though he was a member of an Indian group which still received certain social services from the federal government. This decision gave an opportunity to the federal guardian to wash its hands of its own wards, which it was only too glad to exercise. It did so, however, merely by inaction. Only in 1925, when a letter calling attention to the scores of indigent Indians starving in Inyo county was addressed to President Coolidge by Mrs. L. J. Gillespie of Long Beach, writing on behalf of the California Federation of Women's Clubs, was the policy revealed in the answer that came from the assistant secretary of the interior:

"While it is appreciated that there are a number of scattered Indians in California who are unable to provide themselves with the necessities of life, funds at our disposal for relief purposes are limited and must be conserved, so far as possible, for use in cases of emergency among reservation Indians who have no source of aid when destitute other than the federal government. The scattering bands of Indians in California have, for some time, been considered as citizens and the responsibility for their care, when indigent, devolves upon local or state officials rather than upon this service, just the same as if they were white persons in similar circumstances."

Even insofar as the federal authorities do continue to render social services to the Indian population, these are rendered ineffectively. Certainly, it is true in this state where, of the entire amounts expended on behalf of the California Indians in the five-year period 1920-24, 33.46 per cent is charged to salaries and wages, 21.07 per cent to irrigation work, 10 per cent to miscellaneous, and 8.02 per cent to construction and repair of buildings, while to office and school supplies is allotted, without segregation between the two items, .31 of 1 per cent, and to medical supplies .71 of 1 per cent! The force of this last item can only be realized by seeing actual conditions in the field, or by reading the reports to the state board of health, on file in the state library at Sacramento.

Could not state agencies in all probability achieve more with these federal moneys than the present guardian? Even that guardian himself seems to think so. For Secretary of Interior Work, within whose jurisdiction is the Bureau of Indian Affairs, has publicly recommended the passage of legislation such as the Johnson-Swings Indian bill, and in his 1925 report goes so far as to say: "State boards of health, departments of education and agriculture, boards of charity and welfare are in a position to assume these responsibilities for the Indians and perform them more promptly and sympathetically than the federal government."

He has expressly favored the passage of this California bill. With its adoption the state will have the means, as well as the power, to supervise and assist its backward Indian citizens. The day will have passed when Californians of the only original stock die for lack of food and medical attention while Indian agents, on the one hand, and remote mountain counties, on the other, politely debate as to which of them is legally committed to the role of the Samaritan.

So much for the Johnson-Swings bill, save to point out—that the careful reader may already have noticed—that Secretary Work specifically mentions the states' departments of agriculture as agencies whose co-operation ought to be enlisted, this department, in California, is not given authority under the bill. The omission is intentional. So little of fit agricultural land does the bulk of the 18,000 Indians in California possess that, without special remedial legislation by congress, their rehabilitation as farmers or stock raisers is a task it would be useless to ask the state to assume.

This dearth of land is due to the social conditions, surrounding the American settlement of California. Elsewhere, in the course of westward expansion, immigration was a gradual process, which war-like tribes were further able to adapt to the new conditions, while the federal government was enabled to extend its sovereignty



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over the new territory and to set aside, for Indian use, reservations of economic value. Not so in California! Here the gold rush brought settlers in hordes, hungry for land whether gold-bearing or merely fertile. The peaceable bands of California Indians were scattered and driven to the arid mountains when they were not massacred and wholly exterminated. Washington, several months away, never had a chance to cope with the situation.

California became a full-fledged state without ever having been organized as a territory. In 1851, President Fillmore, through commissioners, negotiated treaties which assured to a number of California tribes adequate reservations. The white settlers of the new state objected to good land being set-off to Indian use, and, through their representatives, sitting in a senate, delicately balanced between Whigs and Democrats, succeeded in defeating ratification. The land promised to the Indians, as well as the larger tracts they had surrendered in reliance on the promises, became public land and was patented to settlers. These were the "Eighteen Lost Treaties," whose terms did not become public till 1905, and of which readers of this series have already heard.

This was but one incident, albeit a telling one. In more cases, Indians were not even negotiated with. They were simply driven off, their land was included in the public domain and eventually patented. Even at the nominal price at which the federal government sold this land to settlers, it received about \$23,000,000 therefor.

Nor did the half-civilized Mission Indians fare better. They had rights of occupation in certain ranchos, expressly safeguarded by the terms of Spanish and Mexican grants. The federal guardian took no steps to preserve these rights for confirmation to the land commission of 1851, which it itself created to pass upon the validity and extent of those grants, and the supreme court of the United States held the Indian rights had therefore lapsed. The Warner's Ranch Indians lost their rights under one such decision; as recently as 1924 the Tejon Ranch Indians lost theirs under another.

Responsibility of the federal government, for the situation that has resulted, is great. Nor has it ever made adequate amends. Too late, it set off reservations entirely insufficient in quality and quantity. The California Indian averages 32 reserved acres per capita, as against the following: Nevada, 127; Oregon, 260; Washington, 245; Arizona, 440; Montana, 500, and Utah, 1025 acres per capita. And of the California areas much that is not waterless desert is rocky mountain land or lava bews. Further, and doubtless, on the principle that he who hath not shall receive little else, the California Indian, who is in greater need than his brother, has \$29 per capita expended annually on his welfare by his guardian, whereas the average expenditure throughout the country for unallotted Indians is \$66 per capita!

It is this fundamental insecurity which the second bill now pending, introduced by Congresswoman Kahn, is intended to mitigate. The bill, as about to be amended, will call for an appropriation of \$10,000,000, as compensation for the lands originally taken from the California Indians, and creates, to administer the fund, a California Indian land commission of five members, to serve without pay, two appointed by the secretary of the interior, two by the governor of California, and one by the President.

Of the five commissioners two are to be experts on agricultural and irrigation problems, the remaining three are to be familiar with the economic and welfare problems of the California Indian. The commission is to make a study of the Indians' economic needs, to purchase agricultural lands, to secure water thereon, and generally is given wide powers to rehabilitate Indians as agriculturalists. The bill looks to the eventual establishment, after a period of transition, of a large number of the Indians of today, or their descendants, as self-respecting, self-supporting farmers and owners of small parcels of tillable soil.

All told, this belated act of justice will return to the original possessors of the entire state a mere handkerchief's breadth of California's thousand-mile stretch of golden acres.

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Opinions by the Court of Appeals.

Opinions have been filed by the Court of Appeals in the following cases during the present week:

No. 1098. Frizzell v. Murphy et al. Judgment affirmed, with costs. Opinion by Mr. Chief Justice Alvey.

No. 1078. Manogue v. Kearney. Judgment affirmed, with costs. Opinion by Mr. Justice Morris.

No. 1150. Whyte et al. v. Spransy. Decree reversed, with costs, and cause remanded for such other and further proceedings as may be necessary. Opinion by Mr. Justice Shepard.

Jurisdiction of Civil Courts Over Ecclesiastical Tribunals.

An interesting question as to the jurisdiction of the courts of this District to review the proceedings of an ecclesiastical court is raised in the case of *United States ex rel. Gilbert F. Williams v. Henry Y. Satterlee*, Bishop of Washington, recently instituted in the Supreme Court of this District. The relator was tried before a court assembled in accordance with the canons of the Episcopal church upon a charge of immoral conduct, and was found guilty and a judgment rendered expelling him from the ministry. Mr. Williams denied the charge, and since the sentence of the court was imposed has sought a rehearing thereon

before the tribunals of the church. Failing in this he filed his petition in the Supreme Court of the District praying for a writ of *certiorari* that the books and papers of the ecclesiastical court might be brought into court and an examination made to determine the justice of the decree passed against him. He alleged that the council which tried him was not legal, in that it was composed of but six members, whereas the canons of the church required seven, and also that one of the lay members of the council had freely expressed opinions as to his guilt. He claimed that these facts made his trial and conviction illegal, according to the laws of the church, and he prayed for the interference of the civil courts to prevent injustice being done him. Mr. Justice Bradley, on consideration of the petition, stated that he was not satisfied the court had jurisdiction in the premises, but in view of the apparent injustice done the petitioner he directed the writ of *certiorari* to issue. An application was thereupon made to the Court of Appeals by the Bishop of Washington for the allowance of a special appeal from the order of Mr. Justice Bradley directing the writ to issue, and the appeal was allowed by that court on Wednesday, March 12, 1902.

Banks and Banking—Deposit as Agent for Another.

In *Penn. Title and Trust Co. v. Real Estate, Loan and Trust Co.*, decided by the Supreme Court of Pennsylvania (50 Atl. 998), it was held that where a deposit was made in a bank in the name of "F., attorney for B.," the bank may, in the absence of notice of intended misappropriation by F., pay out the money upon checks so signed by him. The court said in part:

"The relation between a bank and its customer is that of debtor and creditor, but still it is not the ordinary simple case of one party owing another money. As is said in *Patterson v. Bank*, 130 Pa. 419, 18 Atl. 632, 17 Am. St. Rep. 778: 'A bank is an institution of a quasi public character,' and 'when a bank, without legal cause, refuses to honor a check drawn upon it by a depositor, something more than a mere breach of contract is involved, and it is liable to the depositor for substantial damage. The agreement of the bank is to repay the deposits to the person who makes the deposits, or upon checks drawn by him. The bank can not set up an adverse title to defeat the claim of its own depositor.' *Bank v. Mason*, 95 Pa. 117, 40 Am. Rep. 632."

"When the law holds the bank to so strict a responsibility, it must, of course, adopt strict and certain rules by which the bank will know

who is the 'depositor.' 'A bank account, even when it is a trust fund, and designated as such by being kept in the name of the depositor as trustee, differs from other funds which are permanently invested in the name of trustees, for the sake of being held as such; for a bank account is made to be checked against, and represents a series of current transactions. The contract between the bank and the depositor is that the former will pay according to the checks of the latter, and when drawn in proper form the bank is bound to presume that the trustee is in the course of lawfully performing his duty, and to honor them accordingly.' *Central Nat. Bank v. Connecticut Mut. Life Ins. Co.*, 104 U. S. 54, 26 L. Ed. 693."

Life Insurance—Agency of Medical Examiner.

In the case of *Olive A. Stornaman v. Metropolitan Life Insurance Company*, decided February, 1902, by the Court of Appeals of New York (26 N. Y. L. J. 2047), it was held that when an applicant for life insurance makes truthful answers to all questions asked by the medical examiner, who fails to record them as given, and omits important parts of the answers, stating to the applicant that they were unimportant, the beneficiary, in an action upon the policy, may show the answers actually given, even though it was agreed in the application that the medical examiner, who was selected, employed and paid by the company, should not be its agent, but should be solely the agent of the insured. The court holds that a medical examiner who has been selected, employed and paid by an insurance company to conduct the technical examination of an applicant for insurance is, in fact and in law, the agent of the company, and not the agent of the applicant, who had nothing to do with his employment except to submit to an examination and answer questions propounded by him; and this relation is not changed, or the responsibility for his work shifted, by a statement in the application that he is the agent solely of the insured.

A BEQUEST by name to an unincorporated educational society which has an existing organization governed by a constitution and by-laws, and officers to conduct its business affairs and carry out its objects, is held in *re Winchester* (Cal.), 54 L. R. A. 281, to be valid.

WHERE prior to adjudication the bankrupt purchases property subject to a chattel mortgage, which he assumes and agrees to pay, his trustee in bankruptcy is estopped from disputing the validity of the mortgage. In *re Standard Laundry Co.*, 7 Am. B. R. 254.

Court of Appeals of the District of Columbia.

LONE WOLF ET AL., APPELLANTS,

v.

ETHAN A. HITCHCOCK, SEC., ETC., ET AL.

CONSTITUTIONAL LAW; INDIAN TRIBES, AGREEMENTS WITH; DUE PROCESS OF LAW.

In a suit in equity to enjoin the Secretary of the Interior and the officials of the Land Department from carrying into effect the act of Congress of June 6, 1900, ratifying and confirming an agreement between the Kiowa, Comanche and Apache tribes of Indians whereby they ceded to the United States their interest and claim to certain lands described therein, and also from carrying into effect the provisions of the act of March 3, 1901, making further provision as to the manner of disposing of said lands, it was alleged that such agreement of cession was not signed by three-fourths of the adult male members of said tribes as required by the treaty of 1868 whereby said lands had been set apart for the exclusive use and occupation of said tribes, and that those who did sign were induced to do so by false translations and misrepresentations, which deception was brought to the attention of Congress prior to the passage of the act of 1900. It was also argued that the right of occupancy conferred by the treaty of 1868 was a vested right to be taken away or disturbed only by due process of law and upon payment of just compensation, and that the agreement of cession and the act of Congress ratifying and confirming it did not constitute due process of law. *Held*—

1. So far as the provisions of the treaty of 1868 are in conflict with the agreement of October 6, 1892, and the act of June 6, 1900, ratifying and confirming said agreement, the treaty must yield and the act of Congress be allowed full force and operation.
2. That even if said agreement of 1892 was not signed by three-fourths of the male adult Indians in said tribes as provided by the treaty of 1868, and that those who did sign were induced to do so by false translations and misrepresentations, and that such deception was brought to the attention of Congress before the passage of the act of 1900 ratifying said agreement, such facts will not justify the courts in holding said act of Congress void. The courts have no control whatever over legislation, and no power to question its motives or purposes, provided always that it is kept within the limits of the constitutional grant of power. Within such limits the propriety or justice or policy of legislation is exclusively for the legislative department to determine.
3. In view of the dependent relation of the Indian tribes to the United States, and the nature of the right under which they occupy lands assigned to them, *held*, that there is no room in a case such as this for the application of the principle of due process of law as between the Indians and the United States.

No. 1109. Decided March 4, 1902.

APPEAL by complainants from decree of the Supreme Court of the District of Columbia, in Equity, No. 23,338, dismissing a bill in equity for an injunction. *Affirmed*.

Mr. Wm. M. Springer for appellants.

Mr. Willis Van Devanter, Asst. Attorney General, for appellees.

Mr. Chief Justice ALVEY delivered the opinion of the Court:

The original bill in this case was filed June 6, 1901, by Lone Wolf, describing himself as chief of the Kiowa tribe of Indians, who sued as well for himself as all other members of the confederated tribes of Kiowa, Comanche and Apache Indians, residing in the Territory of Oklahoma, against Ethan A. Hitchcock, Secretary of the Interior Department, William A. Jones, Commissioner of Indian Affairs, and Binger Hermann, Commissioner of the General Land Office, to obtain an injunction against those officers. The bill was afterwards amended, whereby Eshitie, principal chief of the Comanche tribe of Indians, and certain other

named Indians, members of the Kiowa, Comanche and Apache confederated tribes of Indians, residing in the Territory of Oklahoma, and delegates duly appointed by said tribes at a general council held by them, were made parties complainants, by leave of the court. The bill, however, is not filed by the tribes in their tribal capacity, but only as members of the tribes, and who claim to represent such other members of the tribes as may come in and show themselves aggrieved by what has been done by the United States. The object of the bill of complaint is to obtain an injunction to restrain the defendants from carrying into effect and operation the act of Congress approved June 6, 1900 (31 Stat. 672, 676), amending in some respects and ratifying an agreement between the Kiowa, Comanche and Apache tribes of Indians, whereby the Indians ceded to the United States their interest in and claim to certain lands described in the agreement, and also from carrying into effect the act of Congress of March 3, 1901 (31 Stat. 1093), making further provision as to the manner of disposing of the lands so ceded.

The preliminary injunction prayed for was refused by the court below; and the defendants appearing, entered a demurrer to the bill, and the case was heard upon the demurrer. The court, sustaining the demurrer, entered a final decree dismissing the bill, on the 26th of June, 1901, and from which decree this appeal is taken.

In the view we have of this case, it is unnecessary to state with particularity all the allegations of the bill. It will suffice to state as the result of the allegations of the bill, as was clearly stated in the opinion of the court below upon the application for the preliminary injunction, that the three confederated tribes of Indians, Kiowa, Comanche and Apache, had set apart for their absolute and undisturbed use and occupation three million acres of land under treaty proclaimed August 25, 1868, which they are at present occupying, but that their possession is threatened to be disturbed by the defendants in the enforcement of the provisions of the act of Congress approved June 6, 1900; that this act of Congress is unconstitutional and void because it will deprive the confederated tribes of their lands without their consent and against their protest; that the said act of Congress of June 6, 1900, purports to ratify a prior agreement, made and signed by commissioners on the part of the United States, and by 456 Indians, dated October 6, 1892, but that the agreement has been amended and changed in material respects by the statute; that the changes had not been submitted to the Indians signing the agreement, for their concurrence, and that, while the treaty of 1868 provided that no treaty for the cession of any portion of the reservation should be of any force against the Indians, unless executed and signed by at least three-fourths of all the male adult Indians occupying the same, yet the agreement was signed by less than three-fourths, and that those who did sign the agreement of cession were misled by representations and false translations, and did not comprehend the nature of the agreement; that from the time of the agreement down to the act of Congress mentioned the Indians repeatedly protested to Congress against

the ratification of the agreement, calling its attention to these objections; and that a memorial signed by 571 Indians, who attended a general council of these tribes, which stated the substance of all these objections, was forwarded to the Commissioner of Indian Affairs, who forwarded it to the Secretary of the Interior, January 5, 1900, with the request that it be forwarded to the Committees on Indian Affairs of the Senate and House of Representatives, and it was so forwarded; that the act of June 6, 1900, and the further supplementary act of March 3, 1901, provided for the allotment to each member of the several tribes of 160 acres of land; for the setting apart of 480,000 acres for common grazing purposes; for the payment of \$500,000 in cash, to be distributed per capita, and for the retaining and investment at 5 per cent by the United States of \$1,500,000, and the payment of interest as it accrued to the members of the tribes per capita; and for the opening to settlement by white people, under the proclamation of the President of the United States, of the remaining portion of said original reservation, being about 2,000,000 acres; that such opening to settlement would be made, unless restrained, immediately after August 6, 1901; that the provisions of the act of June 6, 1900, under the circumstances, are unconstitutional and void, as the Indians will thereby be deprived of their lands without due process of law.

These are the most material facts alleged, though the bill contains many subordinate facts, which are set forth with great particularity; but we do not deem it essential to state them in this opinion. It is charged, as the result of the facts alleged, "that so much of said act of Congress of June 6, 1900, and so much of said acts supplementary thereto and amendatory thereof, as provide for the ratification of said Jerome treaty, the allotment of certain lands mentioned therein to members of said Indian tribes, the surveying, laying out, and platting town sites and locating county seats on said lands and the ceding to the United States, and the opening to settlement by white men of two million acres of land, were enacted in violation of the property rights of the said Kiowa, Comanche and Apache Indians, and if carried into effect will deprive said Indians of their lands without due process of law, and that said parts of said acts are contrary to the Constitution of the United States, and are void, and confer no right, power, or duty upon the said Secretary of the Interior or upon the said Commissioner of Indian Affairs, or upon the said Commissioner of the General Land Office, to do or perform any of the acts or things required to be done and performed by said pretended acts of Congress."

The grounds upon which the application for relief is based are then summarized, and reduced to four propositions, as follows:—

First. That the said Indians were induced to sign the said treaty or agreement of cession by false and fraudulent translations, and that none of those who signed said treaty or agreement understood its provisions.

Second. That by the provisions of the treaty of settlement, proclaimed August 25, 1868, no part or portion of said lands could be ceded or alienated without the consent of three fourths of

the male adult members of said tribes; and that three-fourths of such male adults have never signed the treaty or agreement of October 6, 1892, approved by act of Congress of June 6, 1900, whereby it is claimed by the United States that said Indian tribes have ceded or alienated a portion of their said lands.

Third. That eight months prior to the time Congress pretended to ratify the said treaty or agreement of October 6, 1892, 571 adult male members of said tribes, which were more than three-fourths of such male adult Indians of said tribes, met in general council, in said reservation, and solemnly repudiated the said treaty or agreement, and prayed Congress to reject the same, and not to accept it as their free act and deed.

Fourth. That in the act of Congress pretending to ratify said treaty or agreement numerous amendments, changing important provisions of said agreement were made by Congress, and that said treaty or agreement was attempted to be put in force without submitting said amendments or the treaty as thus amended to the approval of said Indians.

Discovery is sought by answers to certain interrogatories incorporated in the bill; and the relief prayed is, that the defendants, in their official capacity, their agents or attorneys, "may be restrained by injunction from proceeding further against the complainants, and against said Kiowa, Comanche, and Apache Indians, and especially from proceeding further in allotting any of said lands to said Indians, in surveying, laying out, and platting town sites and county seats on said lands, and from opening any of said lands to settlement by white people, and generally from doing or performing any of the acts or things required by said void acts of Congress."

The argument for the complainants has been urged in support of three general propositions, that is to say:

First. That by the treaty of August 25, 1868, certain rights in the lands in question were conferred upon the Indian tribes mentioned in that treaty, of which they cannot be deprived except by their consent obtained in the manner provided for in Article XII of that instrument, and that such consent has not been obtained; but in fact, as it is alleged, the apparent or pretended consent of the Indians was obtained by fraud and deception, and that the agreement was signed by less than three-fourths of all the adult male Indians.

Second. That the right of occupancy, conferred upon the Indians by the treaty of 1868, is a vested right which can be taken away or disturbed only by due process of law, and upon the payment of just compensation; and that the agreement of cession and the act of Congress ratifying and adopting that agreement do not constitute due process of law within the meaning of the Constitution.

Third. That, as a legal consequence of the preceding contentions, if they be well founded in fact, the agreement of cession and the act of Congress ratifying the same are void, and that it is within the scope of judicial power to restrain by injunction the execution and enforcement of such void acts.

1. The first question is, what was the effect of

the agreement of cession to the United States and the act of Congress thereon, ratifying and confirming the agreement, upon the treaty made with these Indians in 1868? This question admits of but one answer. So far as the provisions of the treaty and the subsequent act of Congress may be in conflict, the treaty must yield, and the act of Congress be allowed its full operation and effect. Therefore the Article XII of the treaty of 1868 can not be appealed to as having force and operation to control the subsequent agreement of cession and the act of Congress ratifying and confirming the same. By the act of Congress of March 3, 1871 (Rev. Stat. U. S. Sec. 2079), it is provided that thereafter "no Indian nation or tribe shall be acknowledged as an independent nation, tribe or power with whom the United States may contract by treaty, but no obligation of any treaty . . . prior to March 3, 1871, shall be hereby invalidated or impaired." Therefore treaties, in the international sense, are no longer the instruments to be employed in dealing with our dependent Indian tribes, but, instead of treaties, such conventions or contracts as Congress may authorize or approve. And in this case, it is not contended, as we understand counsel for the complainants, that it was not competent to Congress thus to provide as to the manner of dealing with or procuring cession from the Indian tribes mentioned in the treaty of 1868, in respect to the lands occupied by them under that treaty. Nor is it contended that the agreement of cession of October 6, 1892, and the act of Congress of June 6, 1900, ratifying and adopting that agreement, are not appropriate instruments for the purpose intended, within the limits and scope of the power and control of Congress over the Indians, and of the lands and reservations occupied by them under the Government of the United States; and, in the absence of all alleged fraud and imposition in procuring the agreement of cession and the act of ratification by Congress, those acts would be fully and completely effective. It is, however, alleged, and earnestly contended in argument, that there has been a fraud and deception practiced upon the treaty rights of the Indians, and that by means of such fraud and deception those of the Indians who signed the agreement did so without understanding the purport and effect of the agreement, and, consequently, they have been deceived. It is alleged that less than three-fourths of the male adult Indians signed the agreement, and that those who did sign it were induced to do so by false translations and misrepresentations; and that the matter of such deception was brought to the attention of Congress before the passage of the act of ratification of the agreement of cession. These are grave charges, and if they be founded in fact, there ought to be some mode of redress for the wrong. But the question is, whether the courts can afford the redress sought in this case. Acts of Congress can only be impeached and declared void by the courts for the want of constitutional authority to enact them. If there be a doubt as to the validity of the act brought into question, that doubt must be resolved in favor of the validity of the act, and against the alle-

gation asserting its invalidity or unconstitutionality. Nor can an act of Congress be declared void and without effect because of fraudulent or improper influences exerted in procuring its passage. It makes no difference in the effect, whether the motives that influenced the passage of the act be public or personal, honest or corrupt; the courts can not enter into the consideration of such questions. They are matters that pertain to legislative action exclusively, and with which courts have nothing to do. Therefore courts will not permit questions of improper legislative motives, or questions of hardship, deception, or oppression in the effect of the act, to be raised to affect the validity of the act, but they will in all cases assume that the legislature was possessed of full information upon the subject of the act, and that the motives were proper that actuated the legislature in the passage of the act in question. *Fletcher v. Peck*, 6 Cranch 87, 128; *Ex parte McCordle*, 7 Wall. 506; *Doyle v. Ins. Co.*, 94 U. S. 535.

It is clear, therefore, that the judiciary has no control whatever over legislation, and no power whatever to question its purposes or motive, provided always that such legislation is kept within the limits of the constitutional grant of power. And from this it follows that the propriety or justice or policy of legislation, within the constitutional limits, is exclusively for the legislative department to determine; for if a court were to assume to substitute its own judgment for that of the legislature, it would at once pass beyond its legitimate sphere, and enter a field where it would be impossible to set limits to its interference, except as might be prescribed in its own discretion.

It is therefore a settled axiom in jurisprudence, that an act of Congress, or of the legislature, must be accepted by the courts as made and promulgated by legislative authority; and if it be within constitutional limitation, the only remedy than can be invoked for any wrong or injury resulting therefrom, must be sought from the legislative department of the Government. This principle is recognized in numerous cases, and in several recent cases in the Supreme Court of the United States. In the case *United States vs. Old Settlers*, 148 U. S. 427, 468, the court was required to pass, by act of Congress, upon a certain claim preferred by an Indian tribe against the United States, and in which a treaty with the Indians was involved. In that case it was sought to have the claimants relieved of certain provisions of the treaty, because of fraud and duress alleged to have been practiced by the United States. But the court, in disposing of the contention, said: "There is nothing in the jurisdictional act of February 25, 1889, inconsistent with the treaty of 1846 (or any other), and nothing to indicate that Congress attempted by that act to authorize the courts to proceed in disregard thereof. Unquestionably a treaty may be modified or abrogated by an act of Congress, but the power to make and unmake is essentially political and not judicial, and the presumption is wholly inadmissible that Congress sought in this instance to submit the good faith of its own action or the action of the Government to judicial decision, by authorizing the stipulations in question to be overthrown upon an inquiry of

the character suggested, and the act does not in the least degree justify any such inference."

The same principle has been fully adopted and applied in the very recent case of *United States v. Choctaw and Chickasaw Nations*, 179 U. S. 494, 534, 535, where the subject is fully treated. In that case, in discussing the provisions of a treaty made by the United States with certain Indian nations or tribes, for the cession of lands to the United States, the court said: "But if the words used in the treaty of 1866, reasonably interpreted, import beyond question an absolute, unconditional cession of the lands in question to the United States free from any trust, then the court can not amend the treaty or refuse to carry out the intent of the parties, as gathered from the words used, merely because one party to it held the relation of an inferior and was politically dependent upon the other, or because in the judgment of the court the Indians may have been overreached. To hold otherwise would be practically to recognize an authority in the courts not only to reform or correct treaties, but to determine questions of mere policy in the treatment of the Indians which it is the function alone of the legislative branch of the Government to determine."

The principle which forbids the courts from going behind a treaty or an act of Congress for the purpose of annulling its effect and operation, is nowhere more clearly stated than by Mr. Justice Nelson, in the case of *Fellows v. Blacksmith et al.*, 19 How. 366, 372. In that case the contention was that the Indians were not represented by their chiefs and headmen of the band in the negotiation of the treaty, and therefore the treaty was invalid. But the court said: "An objection was taken, on the argument, to the validity of the treaty, on the ground that the Tonowanda band of the Seneca Indians were not represented by the chiefs and headmen of the band in the negotiation and execution of it. But the answer to this is, that the treaty, after executed and ratified by the proper authorities of the Government, becomes the supreme law of the land, and the courts can no more go behind it for the purpose of annulling its effect and operation, than they can go behind an act of Congress." Citing, 1 Cranch, 103; 6 Pet. 735; 10 How. 442; 2 Pet. 307, 309, 314; 3 Sto. Const. Law, 695.

The agreement of cession in this case, after it was duly ratified and confirmed by Congress, has the same conclusive force and effect as a treaty ratified and approved by the Senate; and here we have also the conclusive effect and operation of an act of Congress which the courts can not go behind or impeach for alleged fraud and deception practiced upon the Indians in procuring from them the agreement of cession of the land in question.

This would seem to be a full answer to the application made by the bill, and we might stop here and affirm the decree of the court below. But the second ground taken in support of the claim for the relief prayed for has been urged with a good deal of earnestness, and we therefore deem it proper to give that contention brief consideration.

2. By this second ground of contention it is attempted to be maintained that the right of

occupancy conferred upon the Indian tribes by the treaty of 1868, was or is a vested right of property of which they could not be divested, or can not be deprived of the enjoyment thereof, without due process of law and upon payment of just compensation; and that the agreement of cession and the act of Congress ratifying the same do not constitute due process of law.

Clearly, there is no authority for this contention. The Indians within the United States or their jurisdiction, have, from the earliest period of the Government, been regarded and treated as the mere wards of the Government, and the lands and reservations occupied by them have been assigned to them by the United States as places of domicile for the tribes, and they hold and occupy such lands with the assent of the United States, and under their authority. Such lands and reservations are held by the Indians subject to the control and dominion of the United States, and such Indian tribes are subject to be changed from one locality or reservation to another, as may best serve the purposes and policy of the Government in the administration of Indian Affairs. They have no title in the lands they occupy, except in certain cases where treaties of settlement may have conferred a title in the land; their right is simply to occupy, at the will of the Government and under its protection. As was said by the Supreme Court, in the case of *United States v. Kagama*, 118 U. S. 379, "The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that Government, because it has never existed anywhere else,—because the theater of its exercise is within the geographical limits of the United States,—because it has never been denied, and because it alone can enforce its laws on all the tribes." Keeping in mind, therefore, the dependent relation of the Indian tribes to the United States, and the nature of the right under which they occupy the lands assigned to them, it is quite clear there is no room for the application of the principle of due process of law as between the Indians and the United States, in a case such as the present. The question is not of a private right, but is of a public qualified right of occupancy by the Indian tribes, and no portion of the Indians can set up or assert any mere individual right as a vested right in the lands as against the Government. The power and control over the subject-matter is vested in Congress, and is therefore a political as distinguished from a judicial subject of inquiry. The agreement of cession and the act of Congress ratifying and adopting such agreement, stand as the deliberate legislative judgment upon the subject, and no matter what terms we may apply to those acts, whether due process of law or some other terms, the agreement of cession as ratified, and the act of Congress ratifying the same, are conclusive (*Murray's Lessee v. Hoboken Land Im. Co.*, 18 How. 272, 285), and no judicial inquiry can be allowed to bring those acts into question, the subject matter being plainly within the limit of Congressional power.

Without further notice of the positions urged on behalf of the complainants, and without

passing upon the motion entered by the defendants to dismiss the appeal of the appellants, we shall affirm the decree of the court below; and it is so ordered.

Decree affirmed.

THE CONSUMERS' BREWING COMPANY,
APPELLANT,
v.
EDWIN TOBIN.

PLEADING AND PRACTICE; SEVENTY-THIRD RULE;
AFFIDAVIT OF DEFENSE.

An affidavit of defense in an action on a promissory note considered and *held* lacking in reasonable certainty and precision of statement in matters susceptible thereof; and an order overruling a motion for judgment under Rule 73 reversed and cause remanded with directions to grant the motion for judgment.

No. 1153. Decided March 4, 1902.

APPEAL by plaintiff from order of the Supreme Court of the District of Columbia, at Law, No. 44,810, denying a motion for judgment under Rule 73. *Reversed.*

Mr. L. A. Bailey for the appellant.

Mr. Ellis Hughes for the appellee.

Mr. Justice SHEPARD delivered the opinion of the Court:

On a former appeal from an order denying the appellant's motion for judgment under the Seventy-third Rule of the Supreme Court of the District, the order was affirmed without passing upon the sufficiency of the affidavit of defense in respect of the point now involved, because of the plaintiff's neglect to remit the sum of \$15.75 that was claimed as a credit in the said affidavit of defense, and the justice of which was conceded. 29 Wash. Law Rep. 841.

Upon the return of the cause to the court from whence it has been appealed, the appellant, who was plaintiff below, entered a *remit-titur* of the amount of the said credit, and then renewed the motion for judgment for the remainder of the demand.

The suit was upon a note for \$1,021.44, reduced by credits allowed to about \$744.

That the plaintiff's affidavit was in substantial compliance with Rule 73 was not denied; and the case turns wholly upon sufficiency of the affidavit of defense, which was sustained in the order denying the motion from which the appeal has been allowed.

Questions arising under the Seventy-third Rule have been so often considered and the general principles of its application so often stated, that we find it unnecessary, as regards the points herein involved, to do more than refer to our latest decision, wherein those principles are, to some extent, restated with citation of the supporting cases. *Brown v. Ohio Nat. Bank*, 29 Wash. Law Rep. 819.

Tested by those principles, and by familiar principles governing in actions of deceit, we are constrained to hold the affidavit an insufficient foundation for the denial of the motion for judgment.

This affidavit, which is copied in the report of the case on the former appeal (29 Wash. Law Rep. 841), sets up, substantially, the following grounds of defense:

Raker Bill:

1. Provides for 18-Treaty Indians only
 2. Requires proof of descent from said 18-Treaty tribes.
 3. Postpones benefits for years, pending suit.
 4. Is silent as to how Inds are to benefit if suit is won.
 5. Fails to provide for administration of fund - requiring supplemental legislation.
-

Kahn Bill: Admits wrong.

1. Agree to settle now - once for all.
2. Is constructive, providing immediate relief from present ~~pitiful~~ ^{pitiful} conditions by placing Indians under sanitary livable conditions and on stable self-sustaining footing in agriculture or other occupation ^{so} ~~where~~ they may become actual citizens.

(1)

Legislation — Last Congress — Calif. 9th.

Positive — Zero. 3 Bills introduced: ^{Swing Johnson} Baker Kahn || None passed

Negative — Much for good by killing pernicious bills.

Defeated HR 7826, a Bill to extend power of 9th Apt. + Supts.

by confirming & legalizing Reservation Courts,⁽¹⁾ Power to arrest & imprison; (2) to enforce White Marriage laws — posting notices on houses &c. Haven't we enough to do without meddling

9th now citizens: Why subject to authority of 9th Apt with opportunity to gratify personal grudge or spite?

Why not (as with other citizens) abide by existing laws & courts?

State & Federal?

[Other more Bill

(2)

Are we to repeat the terrors of the Dark Ages
when our ancestors were cast into dungeons
without trial or redress?

Are we to authorize 2d Apts to cast 2d citizens
into prison without statement of alleged offence,
without a hearing or evidence, without principle
of appeal, without jury trial?

No offences are listed by the 2d officer - the
victim is at the mercy of the 2d Apt.

[Read p. 13 #2 It's a Lie! Then & Now]

Box chain & ball -

Bills before Congress for Calif. Ld.

(3)

1) Swing-Johnson - for cooperation with state - halted.

No opposition

2) Raker Bill: Aims to permit suit by survivors of 18 Treaties (1851-52) - only $\frac{1}{3}$ of Calif. tribes; $\frac{2}{3}$

left out. "Tribe" in Treaties gives as 126, of which only 56 are tribes - 175 tribes omitted. ^{Neither Raker nor Lewis collect}

Settlement deferred for years pending ^{Evidence of descent, & outcome of suit.}

If verdict favorable, only $\frac{1}{3}$ helped; $\frac{2}{3}$ left out.

If won, no provision for pay. ^{Money} ~~and~~ would

go to jurisdiction of Ld. Officer unless subsequent legislation by Congress decreed otherwise.

= common sense club Bill

3) Kahn Bill: Recognizes wrongs + aims to settle at
once, once for all, and for - not over 18 Treaty
titles, but for all Calif. Lds. +++
Cobbett & Lea afford Kahn Bill - advocates count claims + delays
Endless uncertainty all along line.

Davis Miller Fall Riv val. (+ wife's 2d father, Tom Ryan)
Bought + owns Whitman's farm, house, wood house, chicken house, &
windmill, orchard 10 acres wheat; Chickens & Hogs, Horses,
18 head cattle, -

House forlorn & place not kept up.

attitude of adjacent whites - [care of lotter or xample]

whole hereditary chain suddenly broken - result: lack

of appreciation of + adaptation to new conditions & also

cruselly of forced allatants

usual influence of worst
lowest class of whites

7

Present needs of remedying

Intolerable sanitary conditions + overcrowding

Lack of water

Bare refugee houses. || Show how to build a few conveniences.

No one to visit + inform or cheer

Inaccessibility - roads - gates

Need to know simple hyping - how to ^{cook} ^{the} ^{line} ^{care} for sales.

Have abundant aboriginal modes of life + adapted forest
of seeds - Need instruction in preparation + cooking.

Trained Nurses

Trachoma in Calif. - Sci of Sept 10, 1926.

& Publicity)

(5)

But: Legislation not only ways to help Inds.

Thus far, years wasted - no outcome but money spent.

& Clubs + various Assoc + Press full of good advice.

But what has it all amounted to for the Inds.? 0.

Why not really do something to help them?

" " join forces - C. Club & Ind Defense Assoc.

" " purchase Ford car + keep sympathetic focus

in field visiting Inds + affording some real relief vs talk

What ~~are~~ funds available. How spent now?

Why not help sick + aged.

" " improve local conditions? Water; Sites &

MARCH 20, 1936

Indians are Citizens Says Supreme Court

"Indians have all the rights and privileges that all other American citizens have." The California supreme court has rendered a decision on an appeal from Inyo county in which the above statement was made. In Inyo county an attempt was made to segregate Indian and white children in the public schools and this has now been declared unlawful. The court cited a law passed by Congress in 1894 in which Indians were made full citizens in every respect.

In Mendocino county the race question has never been brought up and right here in Willits we have both Indian and Chinese children attending school. The same is true in both Round Valley, Laytonville and Sherwood, as far as Indian children are

concerned.

Another ruling has now been made in regard to the old age pension act and this too applies to the Indians who are in need of assistance. Unfortunately there are a great many blind Indians and they are also subject to the same laws.

On account of Mendocino county having such a large Indian population the effect it will have here cannot yet be determined, for under the new federal law relative to old age pensions the government pays one-half the cost and the state and county one-quarter each.

Govt. Relations

Immunity of Indian Tribes from State Laws

Anomalous Situation of Citizens of Nation Being Able to Disregard Certain Statutes While Invoking Aid of Other Legislation

By FLORA W. SEYMOUR

Member, Federal Board of Indian Commissioners

IN REGARD to the matter of obedience to the law the American Indian presents a strange anomaly. He is a citizen of the United States. In the majority of cases he has been a citizen for many years. In the majority of cases he has also been a voter for a considerable period. He thus helps to elect the lawmakers of his State and his Nation and may even sit in the Legislature or the Congress which frames laws for the people.

At the same time, if he lives on land still held in trust by the Government of the United States for his benefit, this law-making citizen need not be a law-abiding citizen unless he wishes. In other words, as an Indian he is exempt from the operation of a number of the laws which apply to the actions of his white fellow citizens.

A recent trip in Wyoming and Montana afforded some interesting examples of this peculiar status. The Shoshoni Indians, living in western Wyoming near the southern entrance to Yellowstone Park, have a beautiful irrigated country which they are finding as fruitful as it is lovely. To their credit it must be recorded that they have responded well to the efforts to make them self-supporting, and that most of those who are of an appropriate age and vigor are making fair progress in industry.

Their domestic relations leave much more to be desired. They are apparently people of an unusually turbulent spirit, and in family affairs this manifests itself in a jealousy which often leads to crimes of violence. More than half of these people are of mixed blood, many with only a very small proportion of Indian inheritance. Their contact with the white man has extended already over two or three generations, so that there are none who are unaware of the law which binds the white man in these cases. As a rule they submit to a legal ceremony of marriage, but they change partners at will and without legal sanction; and all too frequently with serious and even fatal results.

An attempt to bring a domestic triangle to the notice of the law was ineffectual. The case was dismissed. These matters come under no Federal statute, and the State courts are without jurisdiction so long as the offenses are committed by Indians whose land is still held in trust.

The Shoshoni Indians themselves, through various spokesmen, objected to the continuance of this situation. They

know better what their behavior should be, and feel that those who transgress should receive punishment. Yet the hands of those who would further a more stable social condition are tied.

Among the Northern Cheyennes, in Montana, another phase of this inability to meet serious needs was illustrated. The reservation is chiefly grazing country, and cattle must be a great dependence during the Winter. These Indians, the children of Dull Knife's band which slipped away from Oklahoma to come North and join Sitting Bull 50 or 60 years ago, are counted among the more backward of the tribes. Still they are not unaware of the existence of private property and the necessity which the white man finds for respecting it.

Nevertheless, unless there is constant vigilance, the Indian who owns a string of cattle very frequently finds the number diminished. Someone has had a butchering and a feast at the expense of his more thrifty neighbor. Usually the evidences are pretty well covered, but often there is a trail which might present conviction to the minds of judge or jury.

A white man convicted of such a crime would receive from three to five years in the penitentiary. Recently an Indian admitted his guilt before the court. He was given a fine of \$10, with a two weeks' suspension of the sentence in order to find the money. One may surmise that his impression of the seriousness of his theft was not very deep.

A third instance shows that this same red man who need not obey the laws of his State may invoke them for himself when they work to his will. The Crows have for the past 10 years sent their children to the Montana public schools. Before that time they attended Government schools where the custom was to expect the attendance of children after the age of six years. The law in Montana authorizes attendance from that age on, but does not make it compulsory until the age of eight. The Crows have learned this and many avail themselves of the opportunity to keep their children out of school an additional two years. The laws of the State may not punish them for bigamy or adultery, but they are very convenient to use when they make things easier.

The Indian as a rule knows what the law is and how great is his own immunity. He is in a position to create laws or to elect lawmakers. Yet he can snap his fingers at a great range of laws and disregard them entirely.

Age-Old Tribal Laws Will Rule State-Aided Indians

W. S. Kingsbury, state surveyor general, proposes to let non-reservation California Indians alone in the enjoyment of life in their own fashion on the lands set aside for their use by the Legislature last spring.

They may pursue their happiness under their centuries-old tribal laws and traditions and under chieftains of their own choosing, he announced yesterday.

The act creating the Indian reserve authorized the surveyor general to draw up rules and regulations governing their use. The rules contain only one paragraph.

Kingsbury says the Indians may prepare their own rules and regulations so long as they obey the police and sanitary laws of the state.

One thousand four hundred and eighty acres are available for the non-reservation Indians. Almost half of the total, or 640 acres, is in Lassen county; 360 acres in Modoc county and 480 acres in Plumas county.

The lands are available to the Indians now and members of non-reservation tribes are free to take up the pursuit of enjoying themselves in their own manner any time the spirit moves, Kingsbury announced.

MARCH 23, 1926

INDIAN BILLS TO FACE HOT FIGHT

*Both Legislative Floors to
Resound in Combat*

*364
Three Measures Pending for
New Reservation Laws*

*Wisconsin Jailing Case Cited
in Opposition to Acts*

[EXCLUSIVE DISPATCH]

WASHINGTON, March 22.—Two House bills and a joint congressional measure designed in different ways to bring reservation Indians under Federal laws where the statutes do not now apply, and to punish police-court offenses unreached by State laws, are promising combats on both legislative floors equal in their verbal ferocity to the sanguinary battles of bullets in the '70s.

Had it not been for an attack upon the floor of the House by Representative Frear, Republican, Wisconsin, against a measure drawn by Leavitt, Republican, of Montana, chairman of the committee on Indian affairs, bills characterized by Frear as written by the Bureau of Indian affairs might have met little opposition. As it is, plenty of trouble awaits their appearance upon legislative calendars while substitute bills have been offered.

The Leavitt bill, Frear said on the floor, will give judges appointed in Indian courts by reservation superintendents the power to send petty offender Indians to jail for six months with \$100 fines without right of appeal or trial by jury.

While that bill is pending in the Judiciary Committee of the House an uproar arose in the Senate over the quiet approval by the Senate Indian Affairs Committee of a bill by Harreld, Republican, Oklahoma, which would permit \$1000 fine or a year's imprisonment or both against "any Indian or other person who shall forcibly assault, oppose, prevent, impede or interfere with any officer or employee of the Bureau of Indian Affairs."

OPPOSITION EXPECTED

That bill is now on the Senate calendar and is to be called up for action soon. It will be opposed vigorously by Senator La Follette, Republican, Wisconsin, with whose insurgent faction of the Republican party Mr. Frear is aligned in the House.

An exact copy of the Harreld bill has been introduced in the House by Sproul, Republican, Kansas, and referred to the committee on Indian affairs. Mr. Frear is laying for it with a large and heavy tomahawk for he says it is more nefarious than the Leavitt measure.

In general criticism of the Leavitt bill Mr. Frear in his House speech said that an Indian court judge could be any employee of the reservation, white or red, and would need no knowledge of law as qualification for appointment by superintendents.

To illustrate his contention that Indian agents now, even without the Leavitt bill, are operating outside the law he introduced a copy of a telegram addressed to President Coolidge by Gov. Blaine of Wisconsin, which, abbreviated a bit, follows:

"Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac Du Flambeau (Wis.) agency jail in cell six by eight feet . . . and with ball and chain fastened to ankle. In same cell were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the dark ages and the prejudice of the degenerate to terrorize the Indian, who needs help more than a jail. In the name of humanity, I beg that this sort of thing cease."

Several letters from Wisconsin similar in vein and each calling the offense a misdemeanor, referring to the Moore incident, were appended to Mr. Frear's speech as exhibits in the Congressional Record.

Commissioner of Indian Affairs Burke was asked if he had investigated the Moore incident. Here is his reply:

WRONGED SCHOOLGIRL

"The incident has been investigated. The report of Agent Hammit of the Lac Du Flambeau reservation says that this Indian was arrested on complaint of an Indian schoolgirl. The agent tried to induce the man to marry the girl but he refused. He was placed in the agency jail but escaped. When he was put in jail a third time he was manacled to prevent another escape.

"He works on the roads in daytime, sleeps in the jail at night. The cells are small, but the prisoner is not confined with Indian women. He is alone in his cell. He refused to marry the Indian girl. The agent and his wife must care for this girl and her baby.

"Indians of some tribes are unmoral. Incidents that would be revolting to whites are mere incidents to them. The Indian Bureau is attempting to make Indian men responsible in cases of this sort, not alone because of the moral argument but because of property rights. We are insisting that Indians be married and divorced by ceremony so that records exist, and we are insisting that their children be legalized."

Representative Frear was told Commissioner Burke's story of the case.

"I don't care what the offense was," Frear retorted hotly. "Any Indian superintendent who would treat one of the nation's wards in this manner should be in jail with a ball and chain on his own ankle."

FORT BRAGG, CAL.—NEWS
FEBRUARY 21, 1923

istered.

Bill Will Help U. S. Indian

Washington.—A bill providing that Federal funds spent on California Indians shall be handled through three state departments, rather than directly by federal agents, has been introduced by Senator Johnson and referred to the Committee on Indian affairs. The bill provides that the state board of health direct expenditures of all federal appropriations for hospitalization, medical attention and the control and prevention of infectious diseases. Department of Education, the money for the maintenance of schools, and that the State Department of Public Welfare shall direct the expenditure of federal funds for the relief of aged, infirm and indigent Indians.

VALLEJO, CAL.—CHRONICLE
MARCH 15, 1922

REFERS INDIAN AID TO STATES

By LEO A. McCLATCHY.

WASHINGTON, Mar. 15—Educational and health problems of Indians in California would be placed under the direct supervision of the state, with the Interior Department retaining its present general direction, under the terms of a bill introduced by Senator Hiram W. Johnson. The proposed legislation is in the nature of a trial proposition, and calls for handling by the state of all appropriations made by the present Congress for Indian welfare in California, and for a report to the next Congress by the Secretary of Interior as to the results of the experiment.

The appropriations for medical attention of Indians would be expended through the State Board of Health; the State Department of Public Welfare would handle the funds for relief of aged, infirm and indigent Indians, and the State Department of Education would disburse the allotments made for construction and maintenance of schools and the education of California Indians.

In each instance, the bill requires, after these several state agencies have consented to take over this additional work, they must file budgets with the Secretary of Interior, showing in what manner it is proposed to use the funds.

Fresno Herald, Calif.
DEC 23 1922

TRIBAL CUSTOMS CONFLICT WITH WHITE MAN LAW

"Indian George" Brought To
Mind That This Is
20th Century

HAS SQUAW AND PAPOOSE

George Taken To Task For
Not Supporting Wife
And Child

George Benson, Indian, tried to live a "before-the-white-man-life," only to discover that his inherited tribal customs have run afoul of a twentieth century world.

George was put in the Fresno-co. jail today, the first California Indian to be arrested for failure to provide for a minor child.

This because he did not know that custom has changed even in the way of getting a squaw.

MAKES PROMISE

George has promised to adjust all the differences by assuming a "white man's burden," will legalize his tribal marriage by securing a marriage license here and having a magistrate perform a service which will meet with approval of the present laws. He has also promised to care for the child.

There is just a tain of white blood in George, but not enough to make him realize that the customs of his ancestors are not the customs of today. So, bent on romance, he went a-wooing in the approved fashion of his forefathers.

Working among the Indians, Deputy Sheriff S. B. Williams, rancher back of Toll House, has sought to bring the more acceptable American customs into the aborigines who have gradually retired into the higher Sierra reaches at the advent of this new paleface civilization.

GEORGE DOES TRAPPING

He discovered George doing a little trapping and some hunting—just enough to keep himself alive. George was not aware that even Indians in 1923 are supposed to support their progeny and provide food as well as furs and skins for their squaws.

It was not until this morning when Deputy Sheriff Williams turned him over to the county jailer that George realized that times have changed since his ancestors pursued elk through the San Joaquin.

George was released from custody temporarily by Justice Smith, who was moved by the Christmas spirit. He has promised that he will abide by the paleface customs and fix things up for his squaw and little pappoose.

MARCH 16, 1926

Indian Affairs

In view of the fact that Indian affairs are much to the fore in news articles at this time, on account of the Frear resolution just introduced in congress and other action on their account, the appearance of one who is thoroughly qualified to speak of the American Indian and his needs, before the last Los Angeles District Presidents' council of the year meeting in Hollywood today, is especially opportune.

Stella M. Atwood, of Riverside, the "Indians' Friend," has been identified by the Indian Welfare division since it was organized by the General Federation of Women's Women's clubs in 1921. At the time of the Bursum bill affecting the Pueblo Indian lands in New Mexico was pending, it was Mrs. Atwood who created a sensational opposition by gathering 17 Indian chiefs in full regalia and taking them to New York City and Washington to protest it.

Mrs. Burney Starksen, newly appointed district chairman of music is to assist the Indian section program by appearing in costume and singing Indian songs.

Mrs. M. E. Cheney, chairman of Indian affairs for the Ventura County federation and for the Oxnard Monday club, will attend from Oxnard.

APRIL 12, 1926

13

When Law Was Law

THE U. S. Indian Bureau asks Congress to deny right of jury trial to all reservation Indians.

That won't surprise the Indians.

In the squalid reservation villages, and perhaps in the ghostly wigwams of the Happy Grounds beyond, the request will be accepted stoically. The Indians know what to expect of this vaunted Anglo-Saxon justice. Their lesson began long ago.

Once, in the days when tribal virtues were still untainted by Anglo-Saxon justice, law was a grim, glorious thing in the foothills. The Indian who broke the law came before his tribe for punishment not as a criminal but as a man privileged by tribal inheritance to bear the full weight of justice upon his own shoulders.

Among the Five Civilized nations in the old Indian territory, now Oklahoma state, there can still be seen whipping trees and death trees under which tribal justice was administered.

Never was a condemned Indian thrown into a prison pending the time the tribal firing squad could be assembled. That was not the Indian's kind of law. The prisoner was told what day he must die and was let free to go back to his family, to choose his burial place, to build his own coffin.

On the day set for his death he would appear under the death tree bearing his coffin with him. And not once, it is said by those who should know, did a condemned Indian ever fail to appear on the appointed day.

After Indian territory was opened to white men and made into a state, Congress ruled that federal courts must supplant the old tribal courts. Thereafter the erring Indian had to slink to death like the cowering white criminal.

The old glory was gone forever. The law was no longer divine. It was cheap and tawdry, a thing to be evaded.

Calif. legislation - 1852

Finneg's Ref't. to House [U.S.] Comm. Ind. Affrs.

E. B. Meritt (Indian Office)

80/18

C

E.B. Merritt (Indian Office)

REFER IN REPLY TO THE FOLLOWING:

EBM
(Asst. Comr.)UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON
December 30, 1926.Hon. William Kent,

Kentfield, California.

My dear Mr. Kent:

On the morning of December 1, when I arrived at Oakland to deliver my speech before the Oakland Forum, I found in the mail your kind letter of November 26, together with "One Hundred Questions on the Indians and the Indian Bureau."

I think you will appreciate the impossibility of my attempting to answer these 100 questions at the Forum luncheon where I was scheduled for a prepared address. However, after delivering my address before the Forum I submitted to questions by Mr. John Collier.

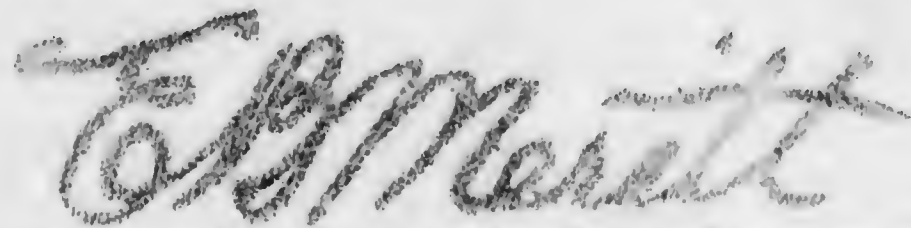
On the evening of December 1 I appeared before the American Indian Defense Association and representatives of the Commonwealth Club of San Francisco and delivered an address and for two hours and a half answered questions, which I was very glad to do.

It is our intention to answer every question submitted with your letter of November 26, but you appreciate that it will take some time to prepare the answers to the 100 questions. As soon as they are prepared copy will be mailed to you.

Your letter would have received early attention after my return to Washington, but have been exceedingly busy with current and accumulated work. Copy of this letter is being sent to the ladies and gentlemen who signed the letter of November 26, and copies of the answers to the questions will be mailed to them, also.

Appreciating your interest in Indian affairs, and soliciting your cooperation along constructive lines, I am

Cordially yours,



Assistant Commissioner.

November 26, 1926.

Hon. Edgar B. Meritt,
Assistant Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Dear Mr. Meritt:

We welcome you to California. We are glad to learn that while among us, it is your intention to reply to the statements by Congressman James A. Frear, of Wisconsin, concerning Indians and the Indian Bureau.

Your decision to reply to Mr. Frear and to other critics of the present Indian Affairs system is welcomed because of your authoritative relation to that system. You have been Assistant Commissioner of the Indian Bureau since 1914, and since that date it is you who have chiefly represented the Bureau before the committees of Congress. Since 1921, the Commissioner of Indian Affairs has been the Hon. Charles H. Burke, and Mr. Burke was chairman of the House Committee on Indian Affairs for a number of years before you became Assistant Commissioner. Thus, the Indian policy which has become increasingly official and exclusive across nearly twenty years, can be best explained by yourself.

We trust that your discussion of the facts will be a detailed one, and conclusive. Commissioner Burke, prior to the Congressional recess, announced his intention to deal with the criticisms which have been rather fully stated by Congressman Frear. Unfortunately, when he appeared before the House Indian Affairs Committee to make this reply, no asking of questions by any person not a member of that committee was permitted, and no rejoinder to Commissioner Burke was permitted. His reply, we are bound to say, appeared unresponsive and too largely consumed with the personal attack upon critics of the Bureau system.

We have therefore, for your convenience and for the convenience of your audiences, prepared a list of questions dealing with the matters which appear to be of decisive importance. Most of the questions can be answered

Recd. by me Dec. 11, 1926 -
CMM

by a "Yes" or a "No". Some of them, we recognize, will require a qualifying supplemental answer.

If either verbally, at a meeting where record is to be made, or in writing, you will provide an answer to these questions, we will be glad to make public the answers to the widest circle of those interested in the Indians. We have placed a star in front of a limited number of the questions--those to which an answer in public meeting would be especially useful and welcome.

We are,

Cordially and respectfully,

William Kent, Kentfield, California.
Mrs. Duncan McDuffie, Berkeley, Calif.
C. Hart Merriam, Lagunitas, California.
George P. Clement, Chamber of Commerce,
Los Angeles, Calif.
E. P. Ryland, Los Angeles, California.
Mary J. Workman, Los Angeles, California.
Edward F. Glaser, M.D., San Francisco, Calif.
John R. Haynes, M.D., San Francisco, Calif.
Chauncey S. Goodrich, San Francisco, Calif.
Mrs. Frank A. Gibson, Los Angeles, Calif.
Max L. Rosenberg, San Francisco, Calif.
Mabel C. Washburn, Santa Barbara, Calif.
Eshref Shevky, San Francisco, Calif.

QUESTIONS ON THE INDIANS AND THE INDIAN BUREAU

Addressed to the Hon. Edgar B. Meritt
Assistant Commissioner of Indian Affairs

INDIAN HEALTH AND THE INDIAN BUREAU MEDICAL SERVICE.

1. Has the Indian Bureau exclusive responsibility for the health of the 225,000 restricted Indians?

* 2. Do the mortality tables of the Federal census show that the white death rate in the registration area is below 12 per 1,000 per year, and that the Indian death rate in the registration area is steadily increasing as follows: In 1921, 17.5 per thousand; in 1922, 19.2 per thousand; in 1923, 22.5 per thousand; in 1924, 25.9 per thousand.

3. Does the Federal census show that the Nebraska Indian death rate from 1921 through 1924 was 45.7 per thousand per year; and that the Wyoming Indian death rate from 1921 through 1923 was 48.8 per thousand per year?

4. Did Secretary Hubert Work use the following words in his recent statement called "Then and Now": "Continuing surveys are being conducted on all reservations with accurate records concerning each Indian, showing whether he has built a home, whether he is cultivating a farm or engaged in livestock, and the progress he is making toward self-support."

And did Commissioner Charles H. Burke on October 22, this year, use these words: "The figures collected from the various Indian reservations relating to morbidity, mortality, etc., are of necessity estimates as accurate as present conditions allow."

If Secretary Work's statement is correct can Commissioner Burke's statement be correct? Can accurate individual records of each Indian be kept, showing whether he is in the livestock business, has built a home, etc., when the Bureau, according to Commissioner Burke, only estimates whether he is alive or dead?

5. Why, when the Federal census reports 2,675 Indian deaths for the death registration area alone, containing less than one-third of the Indian population, does the Indian Bureau report only 1,991 deaths for the entire country?

6. Why has the Indian Bureau annual report, each year since 1921, while giving alleged population totals, omitted to report the number of Indian births and of Indian deaths?

~~Is it because prior to 1921, the Bureau reported an increasing population total each year, and reported likewise the number of births and deaths, but the population increase reported was much~~

~~more rapid than could have taken place if the birth and death totals were accurate; and this statistical inconsistency became embarrassing, so that the births and deaths report was thenceforward omitted entirely and only the alleged population increases were repeated?~~

7. Is it a fact that, assuming that the findings made in the Bureau's Southwest trachoma campaign of a year ago are typical, the number of Indians suffering from trachoma, leading to blindness, is 70,000 in the entire country? Is it a fact that 40,000 cases is a minimum estimate?

* 8. Is it a fact that the Indian Bureau, speaking through yourself, asked of Congress not an increase but a reduction in the Indian health and medical appropriation for the current year?

* Are you correctly quoted on page 392 of the House Appropriations Committee hearings for the current year, as follows:

"Appropriation for 1926,	\$700,000
Estimate for 1927	675,000
Decrease	\$ 25,000",

and on page 396, the same hearings, as follows: "The reduction in the amount requested for 1927, owing to the fact that prices and expenses have not materially changed, will not permit any considerable expansion of the present (health) work."

* 9. Is this policy toward Indian health work due to the demands of the President's economy program?

Had the President's economy program been adopted in 1919 when you, testifying before the special investigating committee of the House on Indian Affairs, used the following words: ("After this next year (i.e., beginning 1921) I think there should be a gradual decrease of the appropriations carried in the Indian bill, and the only sure way for bringing about that decrease would be for Congress to arbitrarily direct that there be a decrease of appropriations for say, a period of four years, of 5 per cent each year....I do not believe the Indian Service would be very materially hurt and it would result in saving the Government approximately \$750,000 a year." (Hearings, 1919, Vol. I, page 806.)

In view of this position of the Bureau, and of its request for reduced health appropriations, is Congress or the Bureau responsible for the starved Indian health work?

10. Did Secretary Hubert Work recently state, in "Then and Now," that United States Public Health Service methods had been installed in all branches of the Indian medical service?

Does this statement by Secretary Work follow upon the recommendation made by the House Indian Affairs Committee, the Board of Indian Commissioners, the National and Provincial Association of Public Health Officers and others, that the Indian medical service should be transferred to the United States Public Health Service?

* 11. Do you consider that the above recommendation is met, or that Secretary Work's claim is borne out, through the transfer to the Indian Bureau of three physicians from the United States Public Health Service, and do you confirm the statement that the present facts, specified below, are as follows:

* That the Indian Bureau has not yet furnished public health nurses to the Indians of California;

* That the Indians of the Western Navajo jurisdiction, 7,000 in number, are served by one doctor, without a field nurse, without a hospital and without diagnostic facilities;

* That the dental work for the 225,000 Indians exclusively under Indian Bureau ministration is carried out by seven dentists;

* That an excessive death-rate from enteric diseases is caused among the Zuni Pueblo Indians through the fact that they are compelled to drink from shallow wells polluted by sewage dumped from the Indian agency buildings up the land-slope above the Indian village;

That Navajo and Apache children who contract tuberculosis in the boarding-schools are sent home to die in the hogans and wickypups of their families, under conditions practically insuring that they will infect their families before they die;

* That Secretary McDowell of the Board of Indian Commissioners reported in 1924: "The survey of seven of the boarding schools attended exclusively by Navajo children disclosed the fact that 46.64 per cent of the pupils were trachomatous":

* That in the face of the excessive morbidity of the Navajos, the Indian Bureau between the years 1920 and 1924 spent the following sums in the Navajo field, as reported by Commissioner Burke to the Senate Committee on Public Lands and Surveys: For Indian Bureau salaries, \$1,620,837 and for medical supplies for Indians \$31,267, this being \$13 in Bureau salaries for each Navajo Indian each year and 25 cents for medical supplies for each Navajo Indian each year.

THE PIMA INDIANS AND THE INDIAN BUREAU

* 12. Has the bridge over the Gila River near Sacaton, Arizona, costing more than a third of a million and equipped with decorative lighting globes, been charged reimbursably against the Pima Indians?

* 13. Did the Indian Bureau endorse, or, on the other hand, did it protest against, this charge against the Pima Indians?

14. Did the Pima Indians ask for this bridge or consent to this mortgage against their land?

15. Do the Indian Bureau records show as follows:

* That 4890 Pima Indians were allotted in 1921, of whom 1103 had died before 1926, making a yearly death rate of 58 per thousand, about five times the white death rate?

16. Is it true that the excessive Pima death rate, consecutive over a four-year period, is not due to any sudden epidemic but to slow starvation and hopelessness?

* 17. Is it true that the Pima Indians lost their irrigation water as a result of Indian Bureau negligence in its capacity as guardian? Is it a fact that Congress appropriated the money for putting water on the Pima lands two years ago and that not yet has any construction work been started?

THE INDIAN BUREAU AND REIMBURSABLE LOANS TO INDIAN TRIBES

18. Is it a fact that reimbursable loans are mortgages against the Indian tribal property, the lien, when not paid, standing against the property and descending to the allotted property?

19. Is it a fact that in making reimbursable charges against the Indians Congress acts with the advice of the Indian Bureau as in all other legislation affecting Indians?

* 20. Did the Department of the Interior, through Secretary Work, endorse the charge of \$100,000 against the Navajo Indians for the Lees Ferry Grand Canyon bridge?

* 21. Did Secretary Work, in writing, inform Congress that this bridge "would be of equal benefit to the Navajos as to the white settlers?"

* 22. Did the Bureau recommend a \$40,000 bridge across the Rio Grande, connecting through highways, the whole sum charged against the San Juan Pueblo Indians? Did it endorse another \$40,000 bridge of general use, which was charged wholly against the Cochiti Pueblo Indians?

What is the per capita yearly income of these Indians as shown by Indian Bureau records?

* 23. Did these tribes either ask or agree to have this reimbursable charge made against them; were they consulted at all, and where is the record showing that they were consulted or informed?

24. Are there not other bridge and highway charges against the Navajo Indians, totaling \$700,000 before the Lees Ferry charge was added on, and has not the Navajo Council declared that \$450,000 of this charge represents an expenditure on improvements for the White community?

25. Did not you, Mr. Meritt, admit to the House Indian Affairs Committee in 1919 that more than \$3,000,000 of reimbursable charges then existing were illegitimate and ought to be wiped out? Has the Bureau as yet made any move to wipe out these reimbursable charges?

* 26. Do not the reimbursable charges against the Indians now total more than \$25,000,000? Did not the Assistant Chief of the Bureau's finance division testify in 1919 (page 818, Vol. I, House Indian Hearings) that the charges then stood at \$23,000,000?

27. Is it the policy to collect these charges, or to allow them to accumulate indefinitely?

* 28. Was the Assistant Chief of the Bureau's Finance Division correct when he testified that up to 1919, \$8,247,933 of reimbursable debt had actually been collected from the Indians, and that \$2,545,367 of this sum had been collected during the years when you, Mr. Meritt, were an Indian Bureau official? (page 820--21, House Indian Hearings, 1919, Vol. I.)

29. Did the Indian Bureau, or did it not, endorse the Gila River (Pima) reimbursable bridge project?

* 30. Did the Indian Bureau endorse the charging against the Kaibab reservation in Arizona of the cost of the tourist road connecting the Grand Canyon with Zion National Park, for the distance that it traverses this reservation? And is it a fact that the cost of that road is being collected in yearly installments from these very needy Indians?

31. Is it a fact that the Indian Bureau sold to the Kaibab tribe a tribal herd; and now that the tribe has paid for it, is again selling the identical herd to the individual members of the tribe; and is using the proceeds toward paying for the tourist road above mentioned?

32. Is it a fact that the Kaibab land was leased at less than 1½¢ an acre to white cattle men and the lease proceeds used to pay for the above tribal herd whose re-sale to the Indians, now that they already own it, is producing the revenue for paying the tourist road costs?

THE INDIAN BUREAU AND LEGISLATION

33. Is it a fact that all legislation affecting Indians, whether dealing with departmental matters or with such a question as Indian land rights and civil rights, is referred to The Indian Bureau, and that no committee consideration is given to any bill until the Bureau has passed on it in writing?

* 34. Did the Indian Bureau in 1926 endorse the Bratton-Hayden Indian Oil Bill, providing that 37 1/2 per cent of the oil revenue of the Indians from their executive order reservations should be paid to the States "in lieu of taxes," and declaring in effect that the Indians were not owners but simply tenants of their executive reservations?

* 35. Did the Bureau in 1926 draft and endorse the Leavitt bill, providing that Indian superintendents and their subordinates

could arrest any reservation Indians, and jail them for six months, without warrant, without jury trial and without appeal to the courts?

* 36. Did the Bureau in 1926 oppose the Wheeler-Frear bill which gave to Indians a court hearing before their wills could be invalidated by the Bureau?

* 37. Did the Bureau in 1926 oppose the Wheeler-Frear bill which required appraisal, public advertisement, and competitive bidding in the sale and lease of Indian land?

* 38. Did the Bureau endorse the Bursum bill of 1922, which cancelled the titles of the Pueblo Indian tribes to the greater part of their land deeded them by Spain and guaranteed by President Lincoln?

* 39. Did the Bureau in 1926 oppose the LaFollette-Frear bill, giving to the Federal courts jurisdiction over civil and criminal matters of the Indians, and was the effect of the Bureau's successful opposition to perpetuate, as has been charged, the Bureau's absolute control over the Indians, including its power to jail them without jury trial or any court appeal?

THE INDIAN BUREAU AND THE CIVIL RIGHTS OF INDIANS

* 40. Did the Indian Bureau draft and endorse H.R. 7826, which sought to give renewed Congressional authority to the Bureau for continuing its practice of arresting Indians and jailing them without due process of law?

* 41. Can and does the Indian Bureau by regulation create Indian offenses punishable by jail?

42. Is this code of Indian offenses printed and made available to the Indians and others?

* 43. Is there at present any case where Indians charged with offenses can be convicted and jailed without an absolute right to Jury trial and court review?

44. Has the Indian Bureau the right to sell any land belonging to an allotted Indian who has died, this sale being by private arrangement if the Bureau desires, and the proceeds of this sale being controlled by the Bureau and not by any probate court?

45. Has the Bureau the right to declare any allotted Indian incapable, and remove him from his land without his consent and without court review, and lease this land to a white man?

* 46. Can Indians, declared mentally incompetent by the Bureau, and thus held in the Bureau's control, appeal their question of competency to the courts? How many incompetent or restricted Indians are there?

47. Is it a fact that Indians are prohibited from making contracts save with the Bureau's explicit consent?

* 48. Is it a fact that when the Indian Bureau is one party of interest and the Indian or Indian tribe is the opposite party of interest, the choice of the Indian's attorney is controlled by the Bureau?

49. Has the Indian Bureau the power to destroy the testament--the will--of an Indian, without showing cause in any court and without court review of its action no matter what may be the Indian wishes?

50. Is it a fact that prior to 1906 the Indians had court protection in the matter of their wills; and that this was taken away in 1906; and that The Bureau in 1926 successfully opposed the Wheeler-Frear bill seeking to restore court protection to the Indians in this matter? Who was responsible for the Act of 1906?

51. Are the Indians, thus held in duress by the Bureau, voters and citizens?

52. ~~Do the Indian votes cast the balance of power in a number of Congressional districts?~~

THE INDIAN BUREAU AS GUARDIAN OF INDIAN PROPERTY

53. Is the Indian property, over which the Bureau is guardian, correctly stated to be over a billion and a half dollars?

* 54. Does the Bureau as guardian render an account and report to any court, of specific funds, transactions etc., which report the Indian wards have a right to inspect?

55. Is the sale and lease of Indian properties, such as lands, timber, mines, carried out by the Bureau as guardian, regulated in a specific manner by statute of Congress, or carried out according to the rules and regulations of the Interior Department?

* 56. Is there any law requiring that in selling and leasing Indian properties, the Bureau shall appraise the value, advertise the sale or lease, and sell or lease to the highest bidder only?

* 57. Is there any way by which Indians may secure court review over the Bureau's acts in the handling of their property?

58. How much Indian money, controlled by the Bureau, is deposited in local banks in the Indian country?

* 59. Is it true that the Rattlesnake structure in the Navajo reservation was sold by the Indian Bureau for a \$1000 bonus, and then resold for over \$3,000,000?

60. Was the Bureau required by any law to accept a \$1000 bonus for a structure that was resold by the white purchaser at this enormous profit?

* 61. Who negotiated this sale of the Rattlesnake structure? Is Governor Hagerman still in charge of Navajo oil leasing for the Indian Bureau? Who appointed Governor Hagerman to his position as Commissioner of the Navajo tribes? What is Governor Hagerman's relation to the Pueblo Lands Board? Did Governor Hagerman testify before the Senate Indian Affairs Committee that the Navajo Indians were willing to surrender one-third or even one-half of their oil revenue from their executive reservation to the states of Arizona, New Mexico and Utah?

* 62. Is it a fact that Secretary Work has reported to the President on the Jackson Barnett case, stating that Barnett's wife brought him to Washington, and there worked out with the Commissioner of Indian Affairs the arrangement for dividing his property as follows: \$550,000 to herself, \$550,000 to the Baptist Home Mission Society?

Is it true that in reporting to the President, Secretary Work added the statement in effect that no malfeasance was apparent in such action by the Bureau officials?

Is it true that Commissioner Burke before he authorized the Barnett transaction had access to the confidential reports of the Bureau inspectors wherein it was recited that the woman, Annie Laurie Lowe, was of ill repute and had kidnapped this aged half-wit illiterate Indian, had made him drunk, and in this condition had married him? Had Secretary Work access to these confidential documents when he wrote his letter to the President?

Is it a fact that a part of the money turned over to Annie Laurie Lowe has been traced, and can you state who was the apparent recipient of such money?

* 63. Is the Indian Bureau, including its salaries, supported by the Indians themselves to the amount of about \$2,000,000 a year?

64. Have the tribes any voice in deciding whether their money shall be used for the support of the Indian Bureau?

65. Is the Indian tribal money, used for Indian Bureau support, taken from the interest or principal of the tribal funds?

66. Was Commissioner Burke, when chairman of the House Indian Affairs Committee, chiefly responsible for establishing the policy of supporting the Bureau from Indian funds? Did you, Mr. Meritt, testify in 1919 that such had been the case?

67. Did you state to the House Indian Affairs Committee in 1919 that you believed Indian tribal funds should be used for Indian Bureau purposes whenever they were available?

* 68. Is it a fact that the Crow Indian tribal fund totals \$346,000, and that \$90,000 of this total is being used this current year for Indian Bureau expenses?

* 69. Is it true that this expenditure of \$90,000 of the Crow money does not pay for a single teacher, a single public health nurse, or the financing of a single Crow boy or girl for higher education?

70. If the Indians are consulted about the use of their tribal money for these purposes, where is the record of their opinion to be found?

THE INDIAN BUREAU AND INDIAN RELIGION

71. Does the Bureau censor or prohibit the religious ceremonials of Indian tribes?

* 72. Did Commissioner Burke, of the Bureau, issue the following statement and order in 1923:

"The sun-dance and all other similar dances and so-called religious ceremonies are considered 'Indian Offenses' under existing regulations, and corrective penalties are provided. I regard such restriction as applicable to any (religious) dance that involves...the reckless giving away of property...frequent or prolonged periods of celebration...in fact any plainly excessive performance that promotes...idleness, danger to health, and shiftless indifference to family welfare. In all such instances, the regulations should be enforced."

* 73. Did Commissioner Burke, February 14, 1923, transmit to all Superintendents certain recommendations made by certain missionary bodies, with these words: "The main features of the recommendations may be heartily endorsed," the recommendations including the following:

"That the Indian (religious) dances be limited to one in each month, in the daylight hours of one day in the midweek, and at one center in each district; the months of March, April, June, July and August being excepted (no dances in these months.)"

"That none take part in the dances or be present who are under 50 years of age."

"That a careful propaganda be undertaken to educate public opinion against the (Indian religious) dance."

74. Have these orders, recommendations and regulations been rescinded?

THE NON-RESERVATION INDIAN BOARDING SCHOOLS.

* 75. Did the Board of Indian Commissioners use the following words in its report to the Secretary of the Interior for 1924:

"The present plan appears to be to reduce the reservation boarding schools to taking care of the first three grades, while

the children more advanced are sent to distant schools,..These children are to be removed from even occasional contact with their parents, not only at an earlier age than has been the rule, but-- the Navajo boy of ten years who is taken to Phoenix, for instance, undergoes an intensity of heat that could never be known on his lofty plains. If he learns to farm here, it is in a country of irrigated soil, of cotton and semi-tropical fruits...If his health survives the change, his spirit is less likely to do so."

* 76. Did you report to the House Appropriations Committee in January 1926, using the following words: "Our determined policy of requiring every healthy Indian child between the age of 6 and 18 to be in some school"?

* 77. In view of that policy, what is done where local day schools or local boarding schools are not provided by the Bureau?

78. Is it the practice for quotas to be delivered to the reservation superintendents, stating the number of Indian children they are expected to deliver to the specified non-reservation boarding schools, and is it not the duty of these superintendents to fill these quotas?

79. Is it a fact that the Hopi Pueblo girls when they approach the age of puberty are taken away from their homes and their tribe to non-reservation schools?

* 80. Is it a fact that the Bureau, in the case of Indian children taken away to non-reservation schools, pays their way home only once every four years?

81. Is it a fact that during the summer vacations, the Indian children are persuaded to remain away from home even when their parents are able to pay their transportation, and that last year Indian boys aged ten and twelve years were sent from Albuquerque and Santa Fe to work as child labor in the beet-fields of Kansas and their earnings were held for school expenses?

* 82. Is it a fact that Navajo children, when they contract tuberculosis in the non-reservation schools, are thereafter sent home to die in their hogans under conditions making certain the infection of their families? Is this one reason why the Navajo tuberculosis death-rate is extravagantly high?

ALLEGED SUPPRESSION OF REPORTS AND DOCUMENTS BY THE INDIAN BUREAU

* 83. Did the American Red Cross in 1924 complete an extensive study of Indian health conditions and Indian Medical service?

* 84. Has the Commissioner of Indian Affairs suppressed this report, refusing to permit its scrutiny after written request for this privilege by Representative Phil D. Swing and by Senator Hiram W. Johnson?

* 85. Did the National Bureau of Municipal Research complete for President Taft, in 1913, and subsequently for a joint committee of Congress, an elaborate report on the Indian Bureau's business methods, containing exceedingly grave charges against the Indian Affairs system; and was this report completely suppressed through Indian Bureau influence, you, Mr. Meritt, being Assistant Commissioner of Indian Affairs at the time? If the suppression of this report being continued?

* 86. Are not the reports of all Indian Bureau subordinates without exception, including the reports of supervisors, reservation superintendents, etc., required to be held confidential, so that neither the general public, the Indians, nor Congress knows their contents?

87. Should not the Bureau give to the public a statement of why it continues the suppression of the Bureau of Municipal Research report, and why it continues the suppression of the American Red Cross report?

THE INDIAN BUREAU AND THE PUEBLO INDIANS

* 88. Did the Indian Bureau, when the Pueblo tribal delegates were in California last November, issue to the press a statement that the Pueblo Indian cause was financed by Soviet Moscow?

* 89. Did Commissioner Burke, speaking before the House Appropriations Committee in that same month, 1925, assume responsibility for this charge and lament that the people of California had refused to be influenced by it?

* 90. Is the Pueblo Lands Board charged by Congress with the duty of determining whether the Indian Bureau has been delinquent as guardian in the protection of the Pueblo lands?

* 91. Is Governor Hagerman, who sits as a member of this judicial body, an employee of the Indian Bureau, drawing a salary from the Bureau?

* 92. Has there not existed for the past four years an All-Pueblo Council, consisting entirely of Indian delegates chosen by each Pueblo, which has held meetings to discuss questions of mutual concern?

* 93. Has not this All-Pueblo Council at all times been open to official government representatives?

For example, did not this Council listen to such official representatives when they urgently advised the Pueblos not to employ legal counsel to represent them before the Pueblo Lands Board? And did not the Council after deliberation reject this advice and assert their right to be represented by legal counsel and to appeal from the Lands Board to the courts as permitted by law?

Furthermore, has not the superior wisdom of the All-

Pueblo Council been justified and confirmed by a member of the Pueblo Lands Board who is quoted in a Santa Fe paper recently as saying to the Pueblos, "You cannot sit idly and expect to win a case in court. The other side is preparing its case and you must prepare yours"?

* 94. Has not this All-Pueblo Council at various times made its desires known to the government, thus serving as an intermediary and the government?

For instance, did not the Chairman of this All-Pueblo Council last winter wire its opposition to the Bureau bill, H R 7826?

* 95. Did this All-Pueblo Council not meet in October of this year?

96. Upon information furnished by members of the Taos Council to the effect that the Indian Bureau, through the instrumentality of Com. Hagerman, proposed to organize a new council for the Pueblo Indians, did not this body declare itself to have functioned successfully for four years and likewise did it not declare its intention to continue to function, in affirmation of which it set forth the rules under which it has always operated in the form of By-Laws?

97. Was not an official representative of the Indian Bureau, under instructions from Com. Burke,, and did the Bureau not have a stenographic record made of the proceedings?

* 98. With this channel of expression already existing and functioning why did the Bureau deem it necessary to take steps to organize a new council under the chairmanship of a Bureau employee, Com. Hagerman, who is also a member of the Pueblo Lands Board?

* 99. Did this substitute council which has been named the United States Pueblo Council, meet in Santa Fe on November 15, 1926, with Com. Hagerman presiding and did Com. Hagerman say, as quoted in a Santa Fe paper, " Hold as many councils among yourselves as you wish, but remember they will have no official recognition without government representation"?

* 100. Did Governor Hagerman, then as now an employee of the Bureau, testify before the Senate Indian Affairs Committee, on March 10th last, that the Navajos were willing to surrender one-third or even one-half of their royalties from oil on their executive reservation to the States?

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December 7, 1926

Doctor C. Hart Merriam,
1919 - 16th Street,
Washington, D. C.

My dear Doctor Merriam:

I did appreciate very much your immediate response to my letter. Last week was such a busy one that I found no time to write anyone, although I would like to have written you immediately after the Meritt meetings.

Mr. Meritt, in his talks before the Oakland Forum and the Indian Defense Association and Commonwealth Club joint meeting, failed completely to answer any of our specific charges. He came with a long set speech in manuscript form which it took him one hour and twenty minutes to read. It consisted chiefly of the fine generalizations, in which the Indian Bureau loves to indulge, quoting figures to show that the Indian Bureau is really employing more doctors and doing more work for the Indians now than they were in 1900 (a fact no one questions), - and a series of personal insinuations against Mr. Frear and Mr. Collier and indirectly against the entire Indian Defense Association or anyone who associates with John Collier, the speech ending with branding them as "malicious perverters of the truth".

At the Oakland Forum, although the audience was tired out with the long and rather prosy speech, Mr. Collier was permitted to ask just four questions. Not one of them was Mr. Meritt able to meet squarely. At our evening meeting we bombarded Mr. Meritt with questions for more than two hours, the meeting not ending until nearly midnight. We had a court reporter present at both meetings and transcripts will be put in Mr. Collier's hands and Mr. Frear's. Some time you will no doubt find time to read Mr. Collier's in his Washington office. You will be amused and you will soon see how marvelously Mr. Meritt has provided us with ammunition.

I do not know whether Mr. Collier sent you a copy of the questionnaire which was sent to Mr. Meritt and just in case he did not I will send you one under separate cover.

Dr. C. Hart Merriam

-2-

December 7, 1926

Mr. Collier will arrive in Washington shortly before Christmas. He left here Sunday night, going by way of New Mexico in order to attend a meeting of the All-Pueblo Council there.

I am enclosing copies of two letters which will show you that I have been in touch with Mrs. Nichols at Lookout and that she has reported to us but not quite definitely enough. According to her, Lottie has a small income from the sale of land. We are now endeavoring to find out just how much this is and whether it is sufficient. We are having a very gay time in that California Committee with poor Col. Dorrington who stated to us at the meeting last week that he was free to confess that the activities of that committee had stirred him up to do more for the ranching Indians than he had ever attempted before. This would indicate that we are making some progress. It is, as a matter of fact, quite true, but the activity is still far from sufficient.

Sincerely yours,

Alida C. Bowler

(Miss) Alida C. Bowler,
Executive Secretary.

ACB:MH

American Indian Defense Association, Inc.,
214 Munsey Building, Washington, D. C., Feb. 7, 1927

THERE IS NO RIVAL TO THE INDIAN BUREAU

(From Brief for the Plaintiff, Jackson Barnett Case, District Court of the United States, Southern District of New York, December, 1926.)

"They set up that Barnett and his estate were under the exclusive jurisdiction and control of the Secretary of the Interior, that the Secretary's action in the premises is conclusive, and that none of the acts of the Secretary can be questioned or reviewed by this or any other court. This contention they press even to the point of contending that the Secretary was the sole judge of Barnett's mental competency and that his mental competency 'is not a matter that is the subject of proof nor of the judgment of any witness or any court' (see Objection at pp. 12, 13 of Plaintiff's Henryetta Depositions), and that no official of the Department of the Interior can be examined with respect to the transaction (see Objection at pp. 2-4 of Plaintiff's Washington Depositions)."

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THE INDIAN BUREAU'S ACCOUNT OF ITSELF. ADDRESSED TO THE
AMERICAN PUBLIC. FROM RADIO RELEASE NO. 70, OF THE UNITED
STATES CIVIL SERVICE COMMISSION

"The Indian Service is unique among the Government organizations. There is nothing else like it in this country. It has been called a government within a government.....

"The Indian Bureau is the great social service organization of the United States Government. It is one of the largest educational institutions in the world. It is a combination probate court, trust company, agricultural and live stock corporation, mining company, oil concern, timber organization, public health service, irrigation promoter, public roads commission, developer of natural resources, purchasing agent, town builder, municipal court, police department, board of county commissioners, orphan asylum, relief and aid society, philanthropic association, bank and employment agency. And this list of the manifold activities of the Indian Bureau is by no means complete.

"The Commissioner of Indian Affairs stands in the relation of father to the biggest family in the world, for he has direct, almost intimately personal, supervision over the affairs of more than 240,000 men, women and children. The signing of his name to an order can bring happiness or unhappiness to thousands of Indian homes in a single day, for the ramifications of his office reach to the very center of the family circles of the people under his care".

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It is submitted that the above entirely accurate statement describes such a dictatorship as the world has never seen. Napoleon at one moment of his career, and Mussolini, may theoretically have possessed, or may now possess, equal power (though both could claim that the power had been given them through forms of consent by the governed peoples). But their dictatorship never underwent the exhaustive, inescapable elaboration, through a hundred years of time, which the Indian Bureau's dictatorship has undergone. And their dictatorship was sustained by their appeal to the imaginations of their people, for a grandiose moment within a course of swift change. It was an incident in a great effort of will by their peoples; the Indian Bureau dictatorship is a lifelong crushing of the will of a race which never consented to the dictatorship.

THERE IS NO ANCIENT OR MODERN RIVAL TO THE INDIAN BUREAU.

Meritts notorious speech, fall of 1926

THE NATIVE AMERICAN

A FORTNIGHTLY MAGAZINE DEVOTED TO INDIAN EDUCATION
Entered as second-class matter, January 13, 1900, at the post office at Phoenix,
Arizona, under the act of March 3, 1879. Subscription price—50 cents a year.

Vol. 27.

Phoenix, Arizona, January 15, 1927

No. 2

The Government's Handling of Indian Affairs

Address of EDGAR B. MERITT, Assistant Commissioner of Indian Affairs.

IT IS a real pleasure to have the opportunity of addressing this splendid audience. We wish to express sincere appreciation of the friendly interest shown by the good men and women of the West in the Indian question. We know that you are sincere friends of the Indians and desire to distinguish between propaganda and truth and assist the government in every way practicable to promote the best welfare of the American Indians.

There has been so much misrepresentation and so many misstatements regarding the Government's handling of Indian affairs that it seems appropriate to give to the public some accurate information regarding this important subject—information that can be substantiated by the records of the Government at Washington.

In recent addresses in several Western States, Congressman Frear of Wisconsin has made many misleading statements regarding Indian affairs; in fact his addresses consisted mostly of misinformation and half-truths which are wholly misleading to those who are not informed on the Indian question. Mr. Frear advised his audiences in the West that for fourteen years he had served on various committees in the House of Representatives, including the Ways and Means Committee, and that about a year ago he was assigned to the House Indian Committee. Ever since that assignment the Indian Service has been subjected to his unwarranted criticisms. Mr. Frear has told his audiences that he had practically no Indians in his district, and few Indians in his State. It is within the bounds of truth to say that he knew but

little about the Indian problem prior to his assignment to the Indian Committee one year ago. Soon after this assignment to the Indian Committee he came in contact with Mr. John Collier, a representative of the American Indian Defense Association, and they have cooperated very closely ever since in making various exaggerated statements and absurd charges regarding Indian affairs. With the assistance of Mr. Collier Congressman Frear almost immediately, upon his assignment to the Indian Committee, began to introduce bills and make speeches regarding the Indian question, notwithstanding his lack of information upon the subject, but not one of the Indian bills introduced by Mr. Frear has been passed by Congress or either branch thereof.

In making this preliminary statement we wish it understood that we have no criticism to offer regarding Mr. Frear as a man. We might well use the language that Shakespeare placed in the mouth of Mark Anthony when he referred to Brutus as "an honorable man," and we might also include Mr. John Collier in this category, and call them both "honorable men," but we do criticize the reckless handling of truth by both of them, and the misleading and absurd statements that they both are making in speeches and in publicity furnished to the press. We want to pay Mr. Collier the compliment of saying that he is a genius when it comes to getting publicity. It is unfortunate that Mr. Collier is not using this fine talent in a more worthy way.

When you read the speeches placed in the *Congressional Record*, by Mr. Frear, largely under "leave to print," we want you to bear in mind the working com-

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bination which is in existence between Messrs. Frear and Collier, and remember also the language contained in the Good Book, "The voice is Jacob's voice, but the hands are the hands of Esau."

Now let us refer specifically to some of the many misrepresentations made by Mr. Frear about Indian matters. We have not time to answer all of them but the following will suffice to show the utter unreliability of certain alleged information that he has been giving to the public.

1. Mr. Frear said: "The heavy death loss has been neglected so that today the Indians are only skeleton tribes."

The truth of the matter is that the Indians in the last 25 years have been steadily increasing in population and are no longer a vanishing race. For example, in 1900 there were 270,544 Indians in the United States and today we have 349,876. The Indians are increasing in population at the rate of about 1,500 per annum, which is the result of the work of the Indian Bureau along educational and health lines.

2. Mr. Frear said: "Indian Bureau control is effected by an army of political employees, good, indifferent and sometimes bad."

The facts are that out of the 4,960 employees in the Indian Service, there are only two political appointees, namely the Commissioner of Indian Affairs and the Superintendent of the Five Civilized Tribes. The Assistant Indian Commissioner has been in the Government service nearly thirty-three years and more than twenty years in the Indian Service and his position can not properly be called a political one. The present Commissioner of Indian Affairs was selected for that office because of his pre-eminent qualifications for the position, having spent forty years of his life among the Sioux Indians and served for many years in Congress as a member of the Committee on Indian Affairs of the House of Representatives and later as chairman of that very important Committee. No man ever filled the office of Commissioner of Indian Affairs who was more efficient, better equipped, or more sincerely interested in the Indians than is Commissioner Burke. He is the soul of honesty, honor and fair dealing and deserves the undi-

vided support of the American people in administering the difficult duties of his responsible office. Practically all of the employees in the Indian Service are appointed through civil service channels, and approximately 1,700 of these employees are Indians who have been educated in our Government Indian schools. Mr. Frear's army of political employees dwindles to two out of nearly 5,000 when the facts are known.

3. Mr. Frear says that the Indian agents appoint Indian judges at \$10 per month to carry out the policy of oppression, and that the Indians are without jury, without attorney, without bail and without right of appeal.

The facts are that these Indian judges are among the leading Indians on each reservation. They are selected because of their prominence and the respect with which they are held by the Indians. Any Indian has the right to employ an attorney. Any Indian has the right to appeal from the decision of the Indian court to the superintendent; from the decision of the superintendent to the Commissioner of Indian Affairs, and from the decision of the Commissioner of Indian Affairs to the Secretary of the Interior. The Indians therefore have three appeals. Few Indians are ever sentenced to jail beyond thirty days and most sentences are less, and then the jail is used only for sleeping and eating purposes, the Indians being required to work on roads and do other useful tasks on the reservations. The Indian courts are much more lenient than would be the case if the Indians had their trials in either State or Federal courts. These Indian courts are a fine example of the constructive methods of the Government in teaching Indians real self-government.

4. Mr. Frear said: "From present prospects the Bureau will not lose its job or its control of the person and property of the Indian for hundreds of years to come if the Indians live that long."

The facts are that the jurisdiction of the Indian Bureau has been relinquished over approximately one-third of the Indians of the United States during the last twenty years. Any Indian who can demonstrate his competency can have a patent in fee to his land and be entirely

free from restrictions of every kind and character whatsoever."

5. Mr. Frear said: "The power to employ an attorney, like the power over person and property, must have the approval of the Indian Bureau, which, in effect, names the Indian's lawyer who is to protect the Indian against the Bureau."

Any Indian may employ an attorney and the Indian Bureau does not attempt to supervise the employment of attorneys for individual Indians except to see that they are not overreached in the fees they are required to pay. Section 2103 of the Revised Statutes requires that attorneys employed by Indian tribes shall have their contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior. This legislation by Congress is necessary in order to protect the tribal property of the Indians and so that a few Indians can not make contracts with attorneys that would obligate the tribal property of all the Indians. The Indians, in their personal rights, are as free and independent as any other citizens of this country and may go and come as they please. The property of restricted Indians is held in trust by the Government for the benefit of the Indians; otherwise, grafters would soon acquire practically all of the property that is now held by the Indians. This statement is proven by past experiences. Under Secretary Lane's tenure of office as Secretary of the Interior about 10,000 Indians were released from the jurisdiction of the Interior Department. Unfortunately, the Indians as a rule do not have full appreciation of the value of property. Soon after the issuance of patents in fee to these ten thousand alleged competent Indians ninety per cent of them disposed of their lands, bought automobiles, and within six months were without property and dependent upon their Indian relatives whose property was protected by the Indian Bureau. Today, the Indians of this country, as a rule, who own the least property are the ones who have been released from governmental supervision and no longer have their property interests protected by the Government.

6. Mr. Frear said: "No Indian is called before the Congressional Committee by the Bureau."

The Indian Office does not control who shall appear before Committees of Congress, but the Indian Bureau has, upon the request of the Committee of Congress, brought to Washington Indians for the purpose of testifying before Congressional Committees. The records of the Indian Committees of Congress will show that quite a number of Indians are appearing before the Indian Committees of both the House and Senate. This statement may be confirmed by writing to the chairman of either the House or Senate Indian Committees of Congress. For example, during the last session not less than fifty Indians appeared before the House and Senate Indian Committees. These Indians were from the Kiowa Reservation in Oklahoma, the Klamath Reservation in Oregon, the Crow, Fort Peck, and Tongue River Reservations in Montana, and the Sioux Reservation in North and South Dakota. This is a fair example of the erroneous and unfair statements that Mr. Frear is constantly making about Indian affairs.

7. Mr. Frear says: "The Jackson Barnett case is another scandal unique and original. It was 'investigated' by the House Indian Committee two or three years ago and the Committee whitewashed Burke. What else could have happened where every member of the Committee is dependent on Burke's approval of Indian bills in which the member is interested?"

Briefly stated, Jackson Barnett is a full blood Creek Indian over seventy years of age. He was married by a white woman February 23, 1920, in Kansas. Jackson Barnett was fortunate in having allotted to him a tract of land which later proved to be one of the richest Indian oil allotments in the United States. More than \$2,000,000 have been recovered in oil royalties from this allotment. Jackson Barnett has no near relatives living at this time. No one can question the fact that Mrs. Barnett has made Jackson Barnett for more than six years a good wife and has brought to him more of the comforts and pleasures of civilization than he ever before enjoyed. Jackson Barnett expressed a desire to donate a part of his money for educational purposes. He signed, by thumb mark, a letter addressed to the Secretary of the

Interior requesting that \$550,000 be set aside to his wife and \$550,000 be held in trust by the American Baptist Home Mission Society for the benefit of Bacone College and the Murrow Indian Orphan Home, both located near Muskogee, Oklahoma. Jackson Barnett, under the terms of this settlement, which was approved by the Interior Department on January 29, 1923, is to receive a substantial income out of these donations during his life. His present income amounts to more than \$60,000 a year. The Bacone College and the Murrow Orphan Home are exclusively Indian educational institutions which have long been established and have contributed much to the advancement of the Indian race in Oklahoma. The restrictions on the property of the Five Civilized Tribes Indians will expire in 1931 and unless extended by Congress there will be very little Federal or tribal money available for educational purposes among the Indians of the Five Civilized Tribes. Jackson Barnett did not give to his lawful wife more than she was entitled to under the law after Jackson Barnett's death and upon the distribution of his estate. Jackson Barnett could not have conceived of a more worthy plan to help his people and for the uplift of the future generation of Indian children in the Five Civilized Tribes than by the donation he has made to the Bacone College and the Murrow Orphan Home.

This matter has been gone into fully by a committee of Congress and the Commissioner of Indian Affairs and the Indian Bureau given a thorough vindication by this Congressional investigation. The case is now pending in the Courts and it is the prediction of many lawyers familiar with Indian law and procedure that when the decision of the Supreme Court of the United States is finally handed down in this case the action of Jackson Barnett and the approval of the Commissioner of Indian Affairs and the Secretary of the Interior of the donation of Jackson Barnett will be found legal and will be sustained. Mr. Frear's gratuitous reflection upon his associates on the House Indian Committee and his characterization of the Jackson Barnett case are as misleading and without foundation in fact as are his many other statements regarding Indian matters.

8. Mr. Frear says: "Last session, the Indian Bureau was more brazen than ever before and drew a bill, introduced by Chairman Leavitt, which gave \$10 per month Indian judges, appointed by Indian agents, the right to sentence Indians to six months in jail, and also to fine \$100 additional for violating rules of the agent of Bureau or Department. Without right of an attorney, without right of bail, or jury, or any appeal to any court, this bill drafted by Mr. Burke's Bureau wiped out the last vestige of protection the Indian had."

This wild and exaggerated statement is very misleading. You have already been told that individual Indians may employ attorneys without supervision by the Indian Bureau and that Indians have three appeals from the decision of the courts of Indian offences. The facts are that at the beginning of the last session of Congress there was drafted and introduced H. R. 7826, which had as its purpose the improvement of law and order conditions among Indians on Indian reservations. It was stated in the hearings on this bill that there was no pride of authorship, that perfecting amendments were welcomed, suggested and recommended, and that the proposed legislation was submitted in order to bring the matter to the attention of Congress and cure certain unfavorable law and order conditions existing on Indian reservations.

The main purpose of H. R. 7826 is to make Indians subject to more of the laws of the land then they are now required to observe and obey. At present, restricted Indians living on Indian reservations are not subject to the laws of the States and to but very few of the criminal laws of the United States. Section 328 of the United States Criminal Code of 1910 makes provision for the punishment of only eight offences committed by restricted Indians on reservations, namely, murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny. The other crimes and misdemeanors in the Federal Criminal Code and the State Codes are not punishable in the regular Federal District Courts so far as restricted Indians are concerned. It is claimed by Mr. Frear that the Indian Bureau is endeavoring to extend its authority by the

enactment of the proposed legislation. As a matter of fact, the purpose of the legislation is exactly the opposite, as Section 1 of H. R. 7826 increases the jurisdiction of the United States District Courts and reduces the jurisdiction of the reservation Courts of Indian Offences. Practically all missionaries, organizations working for the benefit of the Indians, and all persons familiar with the present law and order situation on Indian reservations recognize the need of additional legislation covering this most important subject and until additional legislation is enacted by Congress the law and order conditions on Indian reservations will continue to be unsatisfactory.

9. Referring to the appropriation for the Lee's Ferry Bridge, Congressman Frear said: "This legalized robbery of the Navajo Indians of \$100,000 was made possible by the aid of Commissioner Burke and Secretary Work. . . . Remember, Burke, in exclusive control of the Indians' property, urged the passage of a bill of no benefit to the Indians, that would take \$100,000 from the \$116,000 in his hands, if collected at once."

In the first place we can say positively that there never was any intention of taking \$100,000 out of the \$116,000 belonging to the Navajo Indians. For one hundred miles there is no bridge across the Colorado River, which borders on the Navajo Reservation for a long distance. The building of a bridge at Lee's Ferry will open up the western part of the Navajo country, will result in building good roads and development of Indian resources in that country, and will very greatly increase the value of the holdings of the Navajo Indians. Within the last few years oil has been discovered on the Navajo Reservation and there is every indication that the Navajo Indians will have a large income from this source and can well afford to pay their share of the construction of the Lee's Ferry Bridge. The \$100,000 appropriation for this bridge comes out of the Treasury of the United States and the Navajo Indians will not be requested to reimburse this money for several years and after they have ample funds available for that purpose.

If you will study the map of the State of Arizona you will find that a large part of that State is taken up by Indian res-

ervations and the Indian lands are non-taxable. The State of Arizona loses many thousands of dollars each year because of the nontaxability of these lands. This phase of the matter should be considered in connection with the discussion of the Lee's Ferry Bridge reimbursable appropriation, especially when it is understood that under the legislation the State of Arizona will be required to pay for one-half of the cost of construction of the bridge.

The following is a short history of the appropriation:

During the third session of the 66th Congress while the conference report on the Indian Appropriation Bill for the fiscal year 1922 was being discussed, the following item relating to the Lee's Ferry Bridge was considered: (*Congressional Record*, Feb. 19, 1921, page 3512-14).

"For an investigation by the Secretary of the Interior of the conditions with respect to the necessity of constructing a bridge across the Colorado River at or near Lee's Ferry, Ariz., \$1,000, or so much thereof as may be necessary for the purpose, and the said Secretary is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of the cost of said bridge, and to submit same to Congress as soon as possible, with his recommendations as to what proportionate part of the cost of the construction of said bridge, if any, shall be paid by the United States."

There was some debate. Congressman Hayden, of Arizona, said: "One end of this proposed bridge will be in the Navajo Reservation and, if constructed, it will give access to what is now a very remote section of northern Arizona. What the ultimate cost will be is to be determined by investigation."

Congressman Carter, a Chickasaw Indian, of Oklahoma, said: "There is no provision as to what part of the cost of the investigation is to be paid by the Indians and by the Government of the United States. The amount taken from the Treasury ought to be reimbursable."

"Would it not be better to provide that the amount paid by the United States is to be reimbursed from the fund of the Navajo Indians?"

As a result of the debate on this item, the conference report was finally adopted with the amount reduced to \$500 and the following language added to the item as it appears in the Act approved March 3, 1921:

"and if authorized to be paid, to be reimbursed from the tribal funds of the Navajo Indians."

Under the authorization and the appropriation referred to, the Secretary of the Interior caused a survey and a report to be made. In the 68th Congress, H. R. 4114 was introduced authorizing the construction of the bridge. It was favorably reported by the Committee on Indian Affairs in the House of Representatives. (H. R. Report No. 1242) and passed January 21, 1925, (page 2232, *Congressional Record*). Mr. Snyder, the Chairman of the House Committee on Indian Affairs, answering an inquiry, stated:

"This is a bridge which is thoroughly needed by both Indians and white men. . . . The Indians undoubtedly within a short number of years, on account of the discovery of oil and minerals, will have sufficient money with which to reimburse the Government. . . . The State pays one-half the value of the bridge, and the Indians eventually will pay the other half."

On February 14, 1925, the bill was reported to the Senate from the Committee on Indian Affairs by Senator Cameron of Arizona. On February 18, 1925, the bill was called up by Senator Cameron and passed without debate (page 4061, *Congressional Record*). The bill was approved by the President on February 26, 1925.

When an appropriation is authorized, it is the duty of the Department to prepare and transmit an estimate for the same to the Bureau of the Budget. This was done with reference to the appropriation for the Lee's Ferry Bridge, was approved by the Bureau of the Budget and transmitted to Congress. It was incorporated in the appropriation bill for the Interior Department, and remained in the bill as it became a law.

Congress has for some years adopted the policy that such appropriations shall be reimbursable, but it does not mean that reimbursement shall be made im-

mediately, but only in the event there should be large funds accumulated to the credit of the Indians from oil or other mineral royalties, sale of timber, etc. The theory for this policy is that Indian lands are not taxable and that, for expenditures that are beneficial to the Indians, such as road construction, bridges, etc., the Government should be reimbursed therefor in the event of the Indians coming into much wealth. It is always within the power of Congress to repeal such reimbursable appropriations if it shall subsequently appear that it would be an injustice or a hardship upon the Indians.

Mr. Frear refers to the \$700,000 reimbursable appropriation in recent years for the Navajo Indians, but he studiously refrains from telling his audiences that there has been obtained for the Navajo Indians during the last ten years approximately ten million dollars of gratuity appropriations for educational, industrial and medical purposes largely through the efforts of the Indian Service, the Interior Department, and with the cordial co-operation and assistance of the Representatives and Senators in Congress from the states of Arizona and New Mexico.

Mr. Frear, in the House of Representatives on February 4, 1926, made one of his characteristic speeches denouncing the proposed appropriation for the construction of the Lee's Ferry Bridge. (See *Congressional Record* of February 5, 1926, pages 3105-10). Without a record vote the House passed the appropriation bill carrying this appropriation. After this bill had passed the Senate and had been considered by the conferees of both the House and Senate, the conference report was brought up in the House on February 25, 1926. After some debate, in which Mr. Frear reiterated some of the statements made in his speech of February 4, 1926, the conference report recommending the appropriation for the Lee's Ferry Bridge was adopted by a vote of 235 to 30. (See *Congressional Record* of February 25, 1926, pages 4277-79). That vote is a striking commentary on what Mr. Frear's associates in the House think of his absurd and reckless charges.

10. Under the heading of taxing the

Indians 37 and one-half per cent, Mr. Frear calls "attention to an oil leasing bill that had the approval of Commissioner Burke last session, wherein 37 and one-half per cent of the Indians royalty of the five per cent of the first section of land was to be paid in taxes on that part of the twenty-two million acres of Executive Order Indian lands that contained oil."

On February 25, 1920, by the approval of the President, there became a law known as the General Leasing Act. January 14, 1922, the Commissioner of the General Land Office rejected an application of one E. M. Harrison for a prospecting permit under Section 13 of the act of February 25, 1920 (41 Stat. L., 437). The application was rejected by the Commissioner because the land was within a part of the Navajo Indian Reservation withdrawn from the public domain by Executive Order of May 17, 1884; in other words, it was rejected for the reason that the act of February 25, 1920, did not apply to Executive Order Indian reservations. On June 9, 1922, the then Secretary of the Interior, on appeal, reversed the decision of the Commissioner of the General Land Office, and held that the act of February 25, 1920, did apply to Executive Order Indian reservations. More than 400 applications for permits upon Executive Order Indian reservations were filed in the General Land Office. The Indian Office has always contended that Executive Order Indian reservations, so far as the rights of the Indians are concerned, have the same status as have treaty reservations, and therefore protested against the decision in question. On March 4, 1923, the present Secretary of the Interior was appointed to that office. On March 31, 1923, Commissioner Burke wrote a letter to the Secretary protesting the former decision, citing numerous authorities and requesting that the matter be referred to the Solicitor for the Interior Department for an opinion, with a view to a reconsideration of the matter looking towards a reversal of the former decision. It was referred to the Solicitor on April 18, 1923. The Solicitor rendered an opinion holding that the law of February 25, 1920, did not apply to Executive Order Indian

reservations, whereupon it was referred to the Attorney General for an opinion, and on May 27, 1924, the Attorney General rendered an opinion sustaining the opinion of the Solicitor of the Interior Department and the position of the Indian Office.

In the 68th Congress there was introduced Senate Bill No. 876, which proposed that the provisions of the act of February 25, 1920, should apply to unallotted lands within Executive Order Indian reservations, all the royalties to be paid to the Indians. This bill passed the Senate, was transmitted to the House of Representatives, reported by the Indian Affairs Committee, and passed the House with an amendment and was sent to conference. The conference report was adopted by the Senate. Under the provisions of the bill as amended 37 and one-half per cent of the royalties was to be paid to the State in which the reservation from which the royalties were derived is located. When the conference report was considered in the House, at the instance of the Indian Bureau and the Indian Rights Association a point of order was made by Mr. Dallinger, of Massachusetts, based on the ground that the conferees had exceeded their jurisdiction. The point of order was sustained, and the report was rejected, and the bill failed to become a law.

When the 69th Congress convened, bills were introduced proposing legislation to authorize the leasing of unallotted lands in Executive Order Indian reservations, and the position of the Indian Office was that the law authorizing leases upon treaty reservations should be applied to Executive Order reservation. There were complications, because of over 400 applicants for permits who had made their applications under the decision that the law of February 25, 1920, applied to Executive Order reservations. There were Senators and Representatives insisting that 37 and one-half per cent of the royalties should be paid to the States. There had also been a decision of the United States District Court for the State of Utah in the case of E. M. Harrison, holding that his permit was valid and that the General Leasing Act of February 25, 1920, applied to Executive Order Indian reservations. This case had

been appealed to the Court of Appeals and that court had certified it to the Supreme Court of the United States without rendering an opinion, where the case was pending. If the Supreme Court sustained the decision of the United States District Court for Utah, it would mean that the General Leasing Law of February 25, 1920, would apply to Executive Order Indian reservations and that the royalties would be paid 52 and one-half per cent to the Reclamation Fund, 37 and one-half per cent to the State, and 10 per cent to the Government, and nothing would be paid to the Indians. With this situation, in order to get legislation it was necessary for some compromise, and, after many conferences, a tentative understanding was reached, and under that arrangement 37 and one-half per cent of the royalties was to be paid to the State, but for the benefit of the Indians, and expressly providing that it must be expended upon roads within the reservation or leading there-to or for the education of Indian children. It did not provide for exempting oil operators from taxation, but did provide that no tax could be levied upon the 62 and one half per cent of royalties that would be credited to the Indians.

A doubt being raised on the matter, and to clarify the situation, a letter was written by the Secretary of the Interior under date of March 10, 1926, to the Chairman of the House Committee on Indian Affairs, suggesting an amendment, and Representative Frear was advised on the same date by letter of the Secretary of the Interior and furnished a copy of his letter to the Chairman of the Committee on Indian Affairs. After much consideration and many hearings, the bill was finally amended by eliminating the provision with reference to the 37 and one-half per cent of the royalties, and there was incorporated therein Section 4, which provided that no changes in the boundaries of Executive Order Indian reservations could be thereafter made except by act of Congress, which would, in effect, legislatively place Executive Order Indian reservations in the same status as treaty reservations. This provision was initiated and prepared by the Commissioner of Indian Affairs.

The Indian Bureau has always con-

tended that Executive Order Indian reservations should be treated the same as treaty reservations and we will continue to fight for legislation that will fully protect the interest of the Indians, and we hope to get legislation that will give the Indians full legal title to their Executive Order Indian reservation holdings and at the same time give them the entire proceeds from the leases of their Executive Order lands. Mr. Frear failed to tell his audience that practically all the twenty-two million acres of Executive Order Indian reservation lands were procured for the Indians upon the recommendation of the Indian Bureau and the Interior Department.

11. Congressman Frear in an address before the Commonwealth Club of San Francisco, on October 22, 1926, said:

"An Indian was recently kept in a 6 x 9 foot cell of a Wisconsin jail for six months, under unspeakable conditions, with a ball and chain attached to him. He had committed a misdemeanor."

This refers to a case of an Indian of Odanah, Wisconsin, who went upon the Lac du Flambeau Indian Reservation and led astray a young Indian girl. The Indian was taken before the Court of Indian Offences and confessed his guilt and was sentenced to six months labor at the agency and was assigned to digging potatoes. No ball and chain was placed on him. He seized the first opportunity and escaped. This Indian was later apprehended on this and another charge, and a ball and chain was attached to his leg to prevent him from escaping. He was placed in the agency jail, a warm and comfortable building. He was required to work during the day and at night he was required to sleep in the jail. The jail in question is a substantial brick building about 14 x 25 feet, with eleven foot ceiling; the floors are cement, the walls are plastered, the building is well lighted, airy and dry. The men's compartment is about 15 x 13 feet; has two steel cells in which are two bunks of the modern type, mattresses, pillows and blankets are furnished. This Indian served less than thirty days of his sentence and escaped. He has since given trouble on another reservation. Last summer he was arrested for forcibly entering a home of an Odanah, Wisconsin

Indian family and making an assault on one of the women members for which he was sentenced to 60 days in the Ashland County, Wisconsin, jail by the local municipal court. Within ten days after he served that sentence he went back to Odanah, Wisconsin, and was arrested and sentenced by a justice of the peace to thirty days in jail for a drunken brawl.

Mr. Frear may shed tears over the punishment meted out to this Indian, but our sympathy is for the young Indian girl, now an unwed mother, who must depend upon the Indian Service for her care and protection.

We might refer to another case which Mr. Frear has advertised so freely, known as the Benjamin Kills Thunder case, Kills Thunder being a full blood Indian of the Fort Peck Reservation, Montana. At a dinner in Washington last winter two Indians from the Fort Peck Reservation exhibited ball and chains that they claimed had been placed upon Benjamin Kills Thunder. We have in the files of the Indian Office an affidavit by Benjamin Kills Thunder wherein he states that he was never placed in chains by any representatives of the Indian Bureau.

Mr. Frear has not retracted his serious and misleading charges in the Benjamin Kills Thunder case, but continues to make other charges equally as ridiculous and absurd; for example, his reference to the "ball and chain" case.

12. Mr. Frear stated before the Commonwealth Club: "Nearly one-half million dollars have been spent from the funds of one Indian tribe whose death rate is five times that of San Francisco, against their will and in spite of the fact that not one person in a hundred who uses the bridge that this money has been spent for, is an Indian."

This is one of the most ridiculous and absurd of the many statements that Mr. Frear has made regarding Indian affairs. "The bridge," to which Mr. Frear refers happens to be a diversion dam with a bridge superstructure authorized by Congress May 18, 1916 (39 Stat. 130). This dam was built for the purpose of diverting water from the Gila River to arid lands belonging to the Pima Indians, some of the most deserving Indians in the United States, who have waited long

for water for their lands. Having supervised the preparation of estimates for the Indian Service for the past sixteen years and supported those estimates before the Committees of Congress I am in a position to speak with authority concerning appropriations for Indians. No more worthy appropriations have been passed by Congress during all those years for the benefit of Indians than the appropriations for the construction of the two diversion dams on the Gila River to furnish water for the Pima Indians. More than fifteen hundred Indians live across the Gila River from the Pima agency and without the dam and bridge in question it was impossible for them for weeks at a time to reach the Indian agency at Sacaton. There has never been a single protest by any Pima Indian received in the Indian Office against the construction of those two dams. On the contrary, the Indian Bureau has been commended for this splendid constructive work for the benefit of the Pima Indians. These two dams are to be used as part of the irrigation system under the Coolidge Dam, the actual construction of which will begin in a few weeks, appropriations by Congress being already available. This dam and bridge will be of great service to the Pima Indians and surely no one will object to the bridge also being used by the white people, in view of the fact that almost one-fourth of the area of Arizona is covered by lands within Indian reservations which are not taxable.

The statement that the death rate of the Pima Indians is five times as great as that of San Francisco is without foundation in fact. We have explained and contradicted this death rate story about Pima Indians to Congressional Committees of both the House and Senate and Mr. Frear should be familiar with the facts; yet knowing the facts he continues to repeat this misleading statement. As a matter of fact during the last year, out of a total of 4,290 Pima Indians there were 87 deaths, or approximately 20 per one thousand, which is much less than even twice the death rate of the city of San Francisco.

13. Mr. Frear disapproves of our Indian school system and says:

(Continued on page 23.)

The Native American

Entered at Phoenix, Arizona, as Second Class Mail Matter

A fortnightly magazine devoted to Indian education and printed by student apprentices at the United States Indian Vocational School, Phoenix, Arizona.

John B. Brown - - Superintendent and Editor
Stewart Lewis - - - Instructor of Printing

TERMS: 50 CENTS A YEAR IN ADVANCE

The Community Chest

Phoenix and Maricopa County in Arizona just now are engaged in an effort to raise or collect approximately \$100,000 with which to fill a Community Chest. The effort is the second of the same exact character and replaces the former unsystematized efforts of a dozen different organizations to raise funds for their several activities.

Under the present plan there are twelve organizations which are to share the funds collected, the definite percentage allotted to each being agreed upon in advance. Each organization, to be included in the schedule, must have its application first approved by the Phoenix Chamber of Commerce and must agree to conduct no separate campaign for funds. This manner of collecting funds has been devised by experts and its one year of service in Phoenix has demonstrated its superiority over all previous plans.

After these funds have been secured their expenditure is of even more importance. The officials charged with the expenditure are naturally the officers of the several organizations such as the Y. M. C. A., the Y. W. C. A., the charity

organization, Home for Delinquent Girls, etc., but a central organization investigates the condition and status of every applicant for charity so that only deserving cases will be aided and so that the effects of the several organizations will not be duplicated. Thus, contributors to the Community Chest may be reasonably sure that the deserving will be cared for and the impostors foiled in their desire to prey upon the public.

Phoenix school employees have this year shown a commendable interest in the efforts of the city to take care of its needy residents and to keep up the several fine organizations for the moral good of the youth of the community. These latter, such as the Boy Scouts and the Girl Reserves, are to be regarded rather as investments than contributions to charity.

Phoenix climate is attracting new residents from all sections of the country at an increasing rate. Many of these new residents are in search of health and often come with insufficient funds. Anxious and enthusiastic friends often urge them to come with the hope of earning a living while recovering from tuberculosis, despite the fact that the most important treatment for this disease is complete rest. These facts lay an additional burden upon the able-bodied members of the community but after all, we who enjoy the blessings of good health have all the best of it and we shall think continually better of ourselves as we contract the habit of making an annual contribution to the Community Chest.

The Government's Handling of Indian Affairs

(Continued from page 21.)

"Smarting under the criticism of its neglect of Indian education, the Indian Office has established show places at Albuquerque, Phoenix, Riverside, Fort Wingate and elsewhere."

He also says: "The greatest wholesale crime perpetrated in any country is this policy of stealing children, under color of law, and tearing them from their homes and parents."

You will be amused when I tell you that the Phoenix, Albuquerque, and Riverside schools to which Mr. Frear refers, have been established for more than a quarter of a century; therefore they could not have been established recently to head off any criticism of the Indian Service.

Answering his statement in regard to kidnapping Indian children, we can truthfully say that this is not necessary to fill our Indian schools even if we were disposed to do so, because there is a greater demand for education of Indian children that we have capacity in our Indian schools; also there is a federal law which prohibits the taking of children from a reservation in one State to a school in another State, without the consent of the parents. (Act June 10, 1896, 29 Stat. L., 348).

Answering Mr. Frear's general criticism of our Indian schools, I wish to say that the Indian Bureau is conducting one of the most efficient school systems among the Indians to be found anywhere in the United States. Dr. Samuel A. Eliot, a member of the Board of Indian Commissioners, an advisory board created by Congress and appointed by the President, and in no way connected with the Indian Bureau, in speaking of our Indian school system said:

"I wish I might send my children to an Indian school. There are no finer in the country, public or private. That may be too broad a statement as to instruction, but in educational theory and, in the larger schools, in equipment, none surpasses and few equal them."

We have eighteen nonreservation boarding schools, fifty-nine reservation

boarding schools, and one hundred and thirty-one day schools with an enrollment of 10,321, 11,778 and 4,560 respectively, or a total of 26,659. There are nearly 38,000 Indian children in public schools, and over 7,000 Indian children in mission schools. There are 71,284 Indian children in schools of all kinds, or twenty per cent of the Indian population, and about eighty per cent of the total number of eligible school children are in school. During the last five years we have increased the capacity of the Indian schools in the Navajo country alone nearly three thousand and in recent years we have been quite successful in getting from Congress increased appropriations for Indian education and we are now spending approximately six million dollars a year for the education of Indian children.

14. Mr. Frear, criticising the health work of the Indian Bureau among the Indians speaks of the "Tales of neglect and wicked concealment of health conditions among the Indians."

In 1910 we were getting an appropriation of \$40,000 annually for health work among the Indians. We have been successful in gradually getting this appropriation increased until last year we received a direct appropriation of \$756,000. We are expending annually from all funds available approximately \$1,200,000 for health work among the Indians. We have 91 hospitals, as compared with five hospitals in 1900. We have 194 physicians, and 132 nurses working among the Indians. Instead of sixty-two cents per year per capita for each restricted Indian for medical work, as misstated by Mr. Frear, we are expending \$5.33 per capita for restricted Indians, which is more than is being expended per capita for health work among the entire population of this country, which amounts to \$5.14 per capita. (See "Nations Health," October, 1925). The \$5.33 per capita does not include the money which the Indians themselves pay for medical work which amounts to many thousand dollars annually and which materially increases the per capita expenditure for medical service among Indians.

Our Indian medical service has recently been reorganized and is now administratively operated along the lines of the Public Health Service.

15. Mr. Frear makes this wild statement: "I would rather be a serf in Russia under the old regime than to be one of our American Indians under present conditions—and I have personally seen both."

In answer to this ridiculous charge we wish to quote from a letter dated Fort Defiance, Arizona, October 30, 1926, signed by Robert Arnold, reading in part as follows:

"On the 16th inst., I had been a resident of the Navajo Reservation twenty-five years, married to a Navajo and have two boys finishing their education at Albuquerque, and after the kindness and courtesy extended to me by you and your predecessors and others I could not let such a slander pass as issued by the Honorable James A. Frear of Wisconsin. First, in no way can an Indian be compared to a Russian serf who are one hundred per cent worse off than an Indian—this from personal observation in Russian ports compels me to say an Indian is in Paradise beside a Russian serf. Second: The pathetic condition of Indian children is not only a slur on the Indian but a most damnable lie. No child or children are sent to nonreservation schools without the consent of the parents and the wish of the child, who often asks for the privilege, and then only after a thorough medical examination."

This letter contains many other refutations and a photographic copy of it is available for your information.

There has been considerable publicity about the Indian Bureau permitting Pueblo Indians to be robbed of their lands, suppressing and preventing Indian dances and destroying the religious institutions of Indians. Permit me to use an apt expression and say that this is 100 per cent pure bunk, gotten out to fool the public and stimulate contributions to a campaign of propaganda by misinformed organizations.

We have recently had a successful meeting of the United States Indian Council at Santa Fe, New Mexico. This council was called by the government for the purpose of bringing the Indians in close contact with the Interior Department so that there could be co-operation and a better understanding of the needs of the Indians and what the Government

should do to help the Pueblo Indians. The first official Pueblo Council was quite successful and we expect splendid results from this organization. Every effort was made by certain propagandists to prevent the calling of this council by the government. The purpose of these propagandists was to continue an alleged Pueblo Council largely hand picked and conducted by them so that they could write the resolutions of the alleged Indian Council and deceive the public as to the real view of the Pueblo Indians.

Within recent years the government has organized a Navajo Council headed by Chee Dodge, known as one of the leading Navajo Indians. These councils are being called annually with a view of taking up with the members of the council important business affecting the Navajo Indians. It is the desire of the government to co-operate as closely as possible with the Indians in handling their problems.

I have recently made a survey of a large number of Indian schools and reservations in Arizona and New Mexico. Everywhere I find splendid results being accomplished by the representatives of the Interior Department and the Indian Service working among the Indians. We plan many additional improvements in the Southwest. For example, we will add new buildings to the Santa Fe School in New Mexico and increase its capacity. We will have a new hospital at the Albuquerque Indian School and establish a course for Indian nurses at that institution. We will improve the Laguna Sanitarium, expedite the construction of the Charles H. Burke School which will ultimately have a capacity of seven hundred. We will construct a sanitarium for tubercular Indian children at the Zuni Pueblo Indian Reservation, New Mexico, and enlarge the hospital there. We will construct a new hospital and dairy barn at the Fort Apache Reservation, and put on a campaign for better homes for Apache Indians. At Theodore Roosevelt Indian School, Arizona, we will materially increase the facilities of the plant and build a large school building. At Fort Defiance jurisdiction in Navajo country we will develop the capacity of the present hospital; construct a large tubercular sanitarium, and there will be established at

Fort Defiance, the first exclusive trachoma Indian school in the United States. We will convert the present Navajo Boarding School with a capacity of nearly four hundred into a trachoma school which will become effective about January 1.

We will also greatly enlarge the campaign for the treatment and suppression of trachoma; increase the number of dentists doing dental work among the Indians and put on a campaign for better homes among the Navajo Indians throughout the entire Navajo jurisdiction.

Many other improvements in the Indian Service in the Southwest will result from a recent survey, which I will not take your time to enumerate.

The Indian Defense Association through one of its representatives recently made an attack on the Pueblo Land Board which was established under the Act approved June 7, 1924, to quiet titles to lands within Pueblo Land Grants and for other purposes. The Pueblo Land Board has up to date completed its labors and filed its reports as provided by the Act in cases of the Pueblos Tuseque, Jemez, and Nambe, and said suits are now pending in the United States District Courts as provided in the Act. Without going into details, I wish to call your attention to certain facts overlooked and misunderstood.

There are three members of the Board, consisting of the Secretary of the Interior, the Attorney General (each of whom may act through an assistant), and a third member appointed by the President of the United States—so much for its standing among all intelligent citizens.

The bill under which the Board is acting was endorsed by the American Defense Association, as well as by the New Mexico Association, Eastern Association on Indian Affairs and many other like organizations.

Not a single title has been extinguished unless the settler showed possession and color of title since 1902, or adverse possession since 1889.

That the critics are encouraging the Indians to put the decision of these disputed titles into the law side of the court instead of the equity are not acting for the best interests of the Indians.

Commissioner Burke authorized me to quote him as follows:

"I cannot conceive of anything that would do more serious injury to the Indians than the campaign being waged by John Collier, aided by Congressman Frear of Wisconsin. It is causing certain Indians to lose confidence in the Government, and attractive inducements are held out that are impossible of accomplishment and if accomplished would in a very short time make of them paupers subject to the mercies of their unsympathetic white neighbors to suffer and retrograde."

I wish that time permitted me to tell you more of the constructive things that are being done for the American Indian by the Indian Service and the Interior Department. I would like to tell you of the remarkable progress being made by the Indians in agriculture and stock raising. Latest statistics show that they own livestock and poultry valued at approximately thirty million dollars. Their livestock consists of 300,000 horses, 161,000 head of cattle, and 867,000 sheep. About 27,500 Indians are farming nearly 610,000 acres of land and nearly 32,000 Indians are using 20,423,762 acres in their stock raising.

The Indian Service is doing wonderful work in probating estates of deceased Indians. Since the passage of the act of June 25, 1910 (36 Stat. L., 858) giving authority to determine the heirs of deceased Indians, the Indian Bureau and the Interior Department have determined the heirs in over 42,000 cases involving lands worth over \$70,000,000 at an average cost to the Indians of about \$30 per case.

Indian timber is valued at \$130,000,000 which is being sold under the act of June 25, 1910 (36 Stat. L., 857), and is furnishing a substantial income for Indians on a number of reservations. We are also operating 25 government owned sawmills for the purpose of supplying lumber for Indian homes and farms.

You will be interested to know that the Indians were among the first irrigationists in this country; that Congress has appropriated approximately \$33,000,000 for irrigation projects on Indian reservations and there are 1,368,000 acres of

land under those projects capable of irrigation, with over 657,000 acres under constructed works and now irrigable,

I am sorry that we have not time to tell you of the oil development on various Indian reservations. Suffice it to say that there were produced on Indian reservations last year 41,907,021 barrels of oil and the Indians received as royalties therefrom \$12,711,296. For detailed information regarding this subject and the general administration of Indian affairs by the Government, I would refer you to Indian Office Bulletin No. 12, which is available upon request of the Indian Office.

So that you may appreciate the many problems handled by the Indian Bureau and the Interior Department relating to Indians, I wish to quote from the report of the Board of Indian Commissioners, which aptly describes the work of the Indian Service in the following language:

"The Indian Bureau is the great social service organization of the United States Government. It is one of the largest educational institutions in the world. It is a combination probate court, trust company, agricultural and livestock corporation, mining company, oil concern, timber organization, public health, service, irrigation promoter, public roads commission, developer of natural resources, purchasing agent, town builder, municipal court, police department, board of county commissioners, orphan asylum, relief and aid society, philanthropical association, bank and employment agency. And this list of its manifold activities is by no means complete."

At the request of Honorable Hubert Work, Secretary of the Interior, who is a sincere friend of the Indian and who during his administration has contributed much to improve Indian conditions, with the cordial approval of Honorable Charles H. Burke, Commissioner of Indian Affairs, the Institute for Government Research, a private organization at Washington, with large experience, is to make a comprehensive general survey of Indian affairs. The survey is to embrace the educational, industrial, social and medical activities maintained among the Indians, their personal and civil rights, and their general economic conditions. The news release of the Department of the

Interior concerning this comprehensive general survey of Indian affairs contains the following:

"Secretary Work pointed out that such a survey was asked for on account of harmful attacks and propaganda creating the public impression that their rights and welfare were being disregarded and that they were not being properly dealt with. He also called attention to the fact that the circulation of published propaganda of this character among the Indians was having the effect of discrediting the Government in their estimation and disturbing the public mind on this question of human interest."

The following table gives a comparison of Indian Service activities between 1926 and 1900:

	1900	1926
No. of Indians	270,544	349,876
Value of property	\$610,000,000	\$1,693,844,806
No. of Indian children in public schools	3,052	37,730
No. of Indian children in Gov't schools	22,124	26,659
No. of Indian children in all schools	26,451	71,284
No. of missionaries all denomination among Indians	430	600
No. of Indian families living in permanent homes	25,749	40,160
No. of Indians speaking the English language	55,290	127,644
No. of Indians affiliated with churches (all denominations)	30,698	108,000
No. of Indians farming and raising stock	10,835	59,212
No. of acres farmed	343,351	610,489
Total value of agricultural products of Indians	\$1,408,865	\$7,197,137
No. of sheep owned by Indians	486,281	866,983
No. of allotments made	55,996	244,717
No. of acres allotted to Indian (approx.)	6,736,504	40,543,540
Appropriations for health work among Indians	\$50,000	\$756,000
No. of Indian hospitals	5	91
No. of physicians	54	194
No. of nurses	33	132
No. of acres of land irrigated by Indians. Est.	16,500	116,329
No. of Indians employed in Indian Service	701	1,708
Appropriation for Indian Service	\$7,749,951	\$15,350,282

Notwithstanding the splendid showing made by the foregoing comparative statement we want you to know that we hope to make even greater progress in the future than we have in the past. We need more money for schools; more money for health work, and more money for industrial work among the Indians. We believe that the showing herein made is a record of which we may well be proud. No dependent people in the history of the world has made more rapid progress during the last twenty-five years than the American Indian and no Government during that time has been more generous and more faithful to its trust than has our Government toward the American Indian.

Having pointed out to you the many grossly misleading statements made by Mr. Frear, and having endeavored to explain to you in the limited time available some of the constructive things now being done by our Government, I desire to conclude my remarks by bringing to your attention the following constructive propositions, the truth of which can not be controverted.

1. The American Indians have today more property and this property is more valuable than ever before. The total Indian property is estimated to be worth over one billion six hundred and fifty millions of dollars.

2. The Federal Congress has in recent years appropriated more money for the Indians than ever before. These annual appropriations amount to more than twelve million dollars.

3. There are more Indians who are supporting themselves and their families by their own labor than ever before in the history of our country. There are for example, 59,000 Indian farmers and stock-raisers.

4. There are more Indian children in school, both Government and public, than ever before. In fact there are more Indian children in school than there are white children in school in proportion to population, there being practically eighty per cent of all eligible Indian children of school age now in school. Over 71,000 Indian children are now in school, or about 80 per cent.

5. There are more Indians speaking the English language than ever before.

6. There are more Indians affiliated with churches of all denominations than ever before, there being 400 Protestant and 200 Catholic missionaries in the Indian field with approximately 48,000 Indians affiliated with Protestant churches and 60,000 Indians with Catholic churches.

7. There are more Indians living in sanitary and well furnished homes than ever before.

8. The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world; for example, the per capita wealth of all the countries involved in the world war was approximately \$800; the per capita wealth of the people of the United States is less than \$2,500; and the per capita wealth of the American Indians is approximately \$4,700. Notwithstanding the foregoing figures it should not be overlooked that there are a large number of Indians who are very poor and need every possible assistance from the Government.

9. The Government is furnishing the Indians more doctors, more nurses and more hospitals than ever before. Ninety-one hospitals, 194 doctors and 132 nurses.

10. The Indians are increasing in population at the rate of about 1,500 per year and the death rate has been reduced by more than 25 per cent during the last fifteen years. The death rate among the Indians is now 22 per thousand per year.

11. Never before in the history of our Government have the property rights of the Indians been more carefully protected, his children better educated, his health more carefully guarded and his religious, moral, and material interests better fostered and served than they are today.

12. The American Indians are now all citizens, and have more political rights and personal freedom than ever before; are permitted to go and come whenever and wherever they may choose, and have the privilege of working out their own destiny alone whatever lines they may desire. Their degree of success is limited only by their own vision, ambition, character and energy.

13. The treaty obligations of the Government with the Indians were never more carefully respected and carried out in letter and in spirit than they are today by our Government.

14. The United States Congress, during the last five years, has passed more jurisdictional bills permitting Indians to sue the Government on alleged claims in the Court of Claims, with the right of appeal to the United States Supreme Court, than ever before in a similiar period in the history of our Government.

15. The American Indians are today enjoying the greatest degree of prosperity and have more of the comforts of modern civilization than ever before in the history of our Government.

We challenge our critics to prove a single one of these fifteen propositions to be incorrect. If they are correct, and we can prove them so, then what basis or justification is there for the wild, erroneous and misleading speeches and publicity indulged in by our critics except to get a little personal publicity and keep certain agitators and propagandists on the pay-roll of well-meaning but misinformed organizations.

We appeal to the citizens of the West and to the country at large to give a square deal to the Indians of this country and to the loyal and faithful work of the thousands of good men and women in the Indian Service, who are devoting their lives to a conscientious and loving service in uplifting, educating, and civilizing a dependent people. We ask that hereafter you apply the acid test of truth to speeches, publicity and propaganda of all kinds and character relating to the American Indian, and all those, whoever they may be, who depart from the truth be branded openly and publicly, as they deserve to be, as malicious perverters of the truth.

Indian Service News

Lac du Flambeau School, Wisconsin, recently lost its laundry building by fire.

Flandreau School, South Dakota, has just completed the installation of an excellent modern heating plant.

Oscar C. Upchurch, district superintendent for the Dakotas, is in charge of Flandreau School, South Dakota, since the death of Supt. Jesse F. House.

John Levi, famous as a Haskell football man, has been appointed assistant disciplinarian at Chillicothe School, Oklahoma, where he did his earlier work as a student.

Lydia E. Kaup, for many years an honored and efficient teacher in Indian schools, wishes us a happy and prosperous New Year from Route 2, Famaqua, Pennsylvania.

A. E. Middleton, architect of the Indian office with headquarters in Washington, recently inspected construction activities and results at Pipestone School, Minnesota.

Albert Burns, a graduate of Haskell Institute, was some time since promoted from the position of property clerk to that of chief clerk at Colorado River Agency, Parker Arizona.

Pipestone School, Minnesota, is claimed by its friends to have the finest dairy barn in the Indian Service. At present it houses 70 head of stock of which 45 head are Jersey milk cows.

Pipestone School, Minnesota, with James W. Balmer as superintendent, is filled to capacity with 326 pupils. Recent improvements have been in the way of sleeping porches, guest rooms, new boilers for heating, an electric baking oven, and a new office building.

Inspector H. H. Fiske made a brief survey of Ft. McDowell Reservation on Tuesday, January 4, going to the upper end of the reservation to inspect the intake of the Indian ditch. He also saw the farm crops of the McDowell Apache and inspected the city water works pipeline across the McDowell Reservation.

Hoopa Valley School, California, reports a most prosperous and happy school year with an especially joyous Christmas season. The 168 pupils in attendance participated in the distribution of gifts. Children living near the school had one week's vacation with about 80 remaining at the school. At a New Year masquerade party prizes were awarded to Mrs. Morigeau and Willie Dowd. We are indebted to Mrs. B. F. McCombs, a teacher, for the foregoing information and other interesting details which we are unable to print owing to limitation of space.

E. B. Meritt (Indian office)

Clippings

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Indians Report They are Satisfied With Conservancy Bill; Discuss It

Largest Council of Indian Delegates Governors Consider Many Problems

At what is called the largest council of Indians, delegates and governors, which is being held at the U. S. Indian school south of the city, the Indians reported that they are well pleased with the conservancy bill. Also, the governors reported that great progress had been made on the pueblos during the past year—the greatest perhaps in the past three years.

On this the second and final day of the council, which is attended by 75 or more governors and delegates and many prominent Indian officials, much attention was given to the Indians' new problem of conservancy. Edgar B. Meritt, assistant commissioner of Indian affairs, stated this afternoon that the Indian leaders seem well pleased with the provisions of the bill

and also with the work that has been done along other lines.

PROGRESS IN TRACHOMA

Mr. Meritt said that the Indians have viewed with especial pleasure the progress that has been made in battling the terrible eye disease of trachoma. The government two years ago decided to have schools for trachoma patients and the first, at Fort Defiance, was such a success another has been opened in the San Juan jurisdiction, Navajo region. Many children have been reported cured.

NAVAJO COUNCIL

Mr. Meritt today announced that there will be a Navajo council at the Leupp Indian school beginning Nov. 12 and continuing Nov. 13. Mr. Meritt will deliver a lengthy address to the council, discussing many problems of the Navajos.

The council which opened here yesterday morning will end its deliberations tonight.

UNCLE SAM HAS NO DESIRE TO INTERFERE WITH INDIAN DANCES OR CUSTOMS, SAYS E. B. MERITT

Santa Fe New Mexican—Nov. 7, 1928

High Indian Official Declares Indian Religion and Form of Government Also to Be Respected; Tells Pueblo Council of Many Improvements of Past Year and Expenditure of Over \$746,000; Thinks Conservancy Legislation Was Liberal and Will Help Indians in District

"I wish to repeat and emphasize what I told the members of the council last year—that the government at Washington has no intention of interfering with any of your customs, ceremonies, dances, traditions, religion, or your form of pueblo government."

So Edgar B. Meritt, assistant commissioner of Indian affairs, assured the U. S. Indian pueblo council in an address this morning. The council is holding its third annual session, with Indians and others interested in Indian affairs, present, to discuss problems.

In his address, which was lengthy, Mr. Meritt reviewed the accomplishments of the past year, enumerating numerous improvements in various pueblos, saying Uncle Sam has spent \$746,103.82 in the last fiscal year for the Pueblo Indians.

A feature of his address was the conservancy legislation which he characterized as "liberal in its terms" toward the Pueblo Indians, and he said he thought it would result in great good to the Indians living in the conservancy district. He enumerated a number of the benefits.

Discussing the Pueblo land board Mr. Meritt said he found it had been making satisfactory progress in the past year.

Mr. Meritt's address in full follows:

Members of the United States Pueblo Indian Council, Ladies and Gentlemen: I am very happy to be with you again to call to order the third annual session of the United States Pueblo Indian Council. I bring you greetings from high officials of the interior department at Washington, including the commissioner of Indian affairs, Hon. Charles H. Burke.

Our purpose in calling these annual meetings of the Pueblo Council is to enable us to meet you face to face and to discuss your problems and to learn from you the needs of your Pueblos, so that there may be the closest co-operation and a thorough understanding between the Pueblo Indians and the government at Washington. I want to assure you in advance that we are here for the sole purpose of helping you, and are not asking anything for ourselves.

We have present a number of government officials who will be called upon to furnish any information you may desire about your affairs, and they will be glad to co-operate in every possible way.

Since our last meeting a year ago, and largely as a direct result of the council held at that time, many improvements have been made in the Pueblo country and considerable progress has been made along educational lines. Many improvements are noticeable at both the Albuquerque and the Santa Fe boarding schools, as well as at the 20 Pueblo day schools. I find that there are 2,335 Pueblo Indian children of school age with 2,147 children in school during the last fiscal year, as follows:

In Pueblo day schools	1,090
In Santa Fe boarding school	286
In Albuquerque boarding school	342
In mission schools	325
In other schools	104

WHAT U. S. SPENT

The government has expended for the benefit of the Pueblo Indians during the last fiscal year \$746,103.82.

The following are some of the improvements that have been made in the Pueblo country since the holding of the last United States Pueblo Council a year ago:

The Picuris day school plant has been entirely remodeled and two additional rooms built.

A threshing machine has been purchased for the Taos Indians and was used in threshing this year's crop.

The entire school plant at Taos has

been repaired, and sidewalks constructed wherever necessary.

A flour mill has been purchased for the Taos Indians and will be installed at an early date.

Two bridges over the Rio de Taos have been recently completed. An employes' cottage at the Taos hospital has recently been completed. The hospital itself has been completed and furnished, and a nurse provided for the hospital and for community work in the Taos Pueblo.

The San Juan day school plant has been enlarged, one additional teacher has been provided, and the enrollment at this school has been increased to 89.

The San Juan community bath and laundry has recently been finished.

A hay baler and platform scales for the Tesuque Indians have been provided and were used in bailing this year's crop of alfalfa.

The Santo Domingo day school construction has recently been completed and we now have sufficient room to accommodate 200 children of that Pueblo.

The community bath and laundry for this Pueblo has recently been finished and is now ready for use.

The Cochiti day school plant has recently been overhauled and is now in excellent condition.

Estimates have been made for the further development of water for the San Ildefonso Indians and it is hoped that appropriations will be obtained for this work at the coming session of congress.

The boundary lines between the Laguna and Acoma grants are being fenced on a co-operative basis, as a result of joint council meetings between the Lagunas and Acomas.

We have completed the Chicale day school plant on the Isleta Pueblo, together with the addition of the teachers' quarters, which also includes quarters for the nurse and dispensary.

A tractor has been purchased to break up lands in the Isleta Pueblo.

Arrangements are being made for the purchase of additional bulls on the reimbursable plan for the Santa Ana Indians.

Eight hundred head of sheep have been purchased for the San Felipe Indians under the reimbursable plan.

The new bridge over the Jemez river near the Zia Pueblo has been completed and is now in use. We were successful in procuring an ap-

propriation of \$7,500 for this bridge at the last session of congress.

Work on the construction of the new school house within the Zia Pueblo has been started and will be completed about the first of December.

Several bulls have been purchased for the Jemez Indians. The new government day school at Jemez has been completed and was opened on Sept. 9 with about 35 pupils enrolled.

The Laguna tuberculosis sanatorium

IMPROVE "T. B." SAN

has been improved during the past year and the facilities of this institution have been better utilized than ever before. Indians with tuberculosis are showing appreciation of the benefits that can be obtained at the Laguna Sanatorium.

On the Zuni Reservation we have completed a well that supplies water for the day school and the Indians; a bath house and laundry has been completed, and is being generously patronized by the Indians; improvements have been made to the hospital, a new school building has been constructed at the Zuni Sanatorium; a new bridge has been authorized to be constructed, and an appropriation has been obtained for a road running through this Pueblo, together with many other improvements that have been authorized during the past year. A 100-bed hospital has been con-

the exact form originally recommended by the interior department and does not contain quite as liberal provisions as the Indian office had hoped for when we made our recommendations to congress, as shown by our printed statements, before the Indian committees of the senate and house of representatives. It should be borne in mind, however, that the final form of all contested legislation as passed by congress is largely a matter of compromise. We believe that altogether the conservancy legislation is liberal in its terms toward the Pueblo Indians and will result in great good to the Indians living in those Pueblos within the conservancy district. I wish to point out some of the benefits to the Indians that will accrue by reason of this legislation.

1. The legislation permits an agreement to be entered into between the secretary of the interior and officials of the conservancy district, and we propose to put in that agreement every provision that is possible for the protection of the Pueblo Indians.

2. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this legislation, and the secretary of the interior is to determine what lands shall be included and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore, the district of-

\$,346 acres now cultivated shall have a guaranteed water right. This is a great protection to the Indians. Under present conditions the Indians have no guaranteed water right to this land, and there is no treaty provision that guarantees them any protection in their water rights.

WATER RIGHTS PROTECTED

5. The water rights of the 15,000 acres of Indian land that will be reclaimed are recognized in this legislation and are protected. The water rights of all of the Indian lands within this conservancy district will not be subject to loss because of nonuse or abandonment as long as title shall remain in the Indians. This is another very great protection to the Indians of these pueblos.

6. The \$,346 acres now under cultivation shall not be subject by the conservancy district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

7. The reimbursement for the cost of this entire work will be paid out of the rentals derived from the newly reclaimed lands. In other words, non-Indians will ultimately pay for the cost of improving these Pueblo lands.

8. There will be no lien against the \$,346 acres for improvements or betterments.

much as the Indians will have their 8,346 acres of land now indifferently irrigated put in first class condition, and will also have the privilege of cultivating 4,000 acres of newly reclaimed land without rental charges, and inasmuch as the remaining 12,000 acres of newly reclaimed Indian lands will be leased to non-Indians and the rentals therefrom will pay for the entire cost of the irrigation and other work authorized in the conservancy act and inasmuch as the Indian lands will be very greatly increased in value, it is believed that all fair minded persons will agree that the Indians will receive a very great benefit by reason of the passage of the legislation in question.

We recognize the importance of this legislation and the interest the Indians of the six pueblos involved have therein, and we will be glad to furnish any additional information that you may want regarding this subject.

PUEBLO LANDS BOARD

The Pueblo Lands Board has been making satisfactory progress with its work during the past year. Congress has heretofore made appropriations to cover the awards of the board for Jemez and Tesuque. The board has submitted reports on seven other pueblos, and the awards made by the board are as follows:

San Felipe	\$ 20,341.10
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We hope to obtain appropriations to cover these awards at the coming session of congress.

NO CHANGE OF CUSTOMS

I wish to repeat and emphasize what I told the members of the council last year—that the government at Washington has no intention of interfering with any of your customs, ceremonies, dances, traditions, religion, or your form of pueblo government.

It is my personal view, after an experience of nearly a quarter of a century in the Indian work, that it would be exceedingly undesirable to allot to individual Indians the lands within the several pueblos. If that were done your lands would soon pass out of Indian ownership and pueblo Indian life would ultimately be destroyed. Let me add that the Pueblo Indians are among New Mexico's greatest attractions and assets.

It was Abraham Lincoln, president of the United States, who presented the governor's of the pueblos with the black, silver-headed canes, which is the outward symbol of your pueblo government, and which are today recognized by the government at Washington. We want the closest co-operation and harmony to exist between all pueblo officials and government representatives in the field and at Washington. So much more can be accomplished for the benefit of your people by working in harmony

assure you of the sincere friendship of Indian service officials in Washington as well as your local superintendents and other officers in the field. You may continue to rely with absolute confidence on your government at Washington and your local superintendents. This is your council and we desire you to make the most of it. Let us know of your problems, your needs and your wishes so that we may go back to Washington with this information and so that we may be better able to help you. We will be glad to co-operate in every way practicable.

We have a pardonable pride in the many splendid things that have been accomplished for the Pueblo Indians during the past year largely the result of the last meeting of the United States Pueblo Indian Council. It is a record of constructive accomplishments not equaled by any other similar period in the entire history of the Pueblo Indians.

We are here for the sole purpose of helping you, and are not asking anything for ourselves.

We have present a number of government officials who will be called upon to furnish any information you may desire about your affairs, and they will be glad to co-operate in every possible way.

Since our last meeting a year ago, and largely as a direct result of the council held at that time, many improvements have been made in the Pueblo country and considerable progress has been made along educational lines. Many improvements are noticeable at both the Albuquerque and the Santa Fe boarding schools, as well as at the 20 Pueblo day schools. I find that there are 2,335 Pueblo Indian children of school age with 2,147 children in school during the last fiscal year, as follows:

In Pueblo day schools	1,090
In Santa Fe boarding school	286
In Albuquerque boarding school	342
In mission schools	325
In other schools	104

WHAT U. S. SPENT

The government has expended for the benefit of the Pueblo Indians during the last fiscal year \$746,103.82.

The following are some of the improvements that have been made in the Pueblo country since the holding of the last United States Pueblo Council a year ago:

The Picuris day school plant has been entirely remodeled and two additional rooms built.

A threshing machine has been purchased for the Taos Indians and was used in threshing this year's crop.

The entire school plant at Taos has

The San Juan community bath and laundry has recently been finished.

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A 100-bed hospital has been constructed at the Albuquerque Indian school at a cost of \$65,000; additional lands are being purchased for this school and many other improvements have been made during the last fiscal year.

A new boys' dormitory with a capacity of approximately 200 has been constructed at the Santa Fe school at a cost of \$80,000; an appropriation of \$50,000 for a new 50-bed hospital has been obtained, and the hospital is now in process of construction; the old dormitory for boys has been remodeled and improved at a cost of about \$10,000, the capacity of the school has been increased from 450 to 500, and many other improvements have been made during the past year.

Grades have been increased in the following Pueblo schools during the past year:

Southern Pueblos: Acomita, Encinal, Laguna and Pagueate.

Northern Pueblos: San Juan, Santa Clara and Santo Domingo.

It is our policy ultimately to have sixth grade schools in each of the Pueblos.

We were successful in procuring an act of Congress authorizing the setting aside of additional lands for the Acoma Indians, amounting to approximately 14,000 acres.

We were also fortunate in procuring the enactment of legislation to authorize the acquisition of rights of way through lands of Pueblo Indians of New Mexico in accordance with federal laws, which is an additional protection to the Pueblo Indians.

Congress, on March 27, 1928, passed an act on the recommendation of the interior department to provide for the protection of the watershed within the Carson national forest from which water is obtained for the Taos Pueblo.

CONSERVANCY BILL

There was also enacted by congress, on March 13, 1928, legislation authorizing the secretary of the interior to execute an agreement with the Middle Rio Grande Conservancy district, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands within the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta.

While the conservancy legislation as finally passed by congress is not in

the exact form originally recommended by the interior department and does not contain quite as liberal provisions as the Indian office had hoped for when we made our recommendations to congress, as shown by our printed statements, before the Indian committees of the senate and house of representatives. It should be borne in mind, however, that the final form of all contested legislation as passed by congress is largely a matter of compromise. We believe that altogether the conservancy legislation is liberal in its terms toward the Pueblo Indians and will result in great good to the Indians living in those Pueblos within the conservancy district. I wish to point out some of the benefits to the Indians that will accrue by reason of this legislation.

1. The legislation permits an agreement to be entered into between the secretary of the interior and officials of the conservancy district, and we propose to put in that agreement every provision that is possible for the protection of the Pueblo Indians.

2. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this legislation, and the secretary of the interior is to determine what lands shall be included and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore, the district officials cannot include any lands within that district that are not susceptible of economic irrigation and cultivation.

3. The cost of the improvements to the Indian lands in question is limited to an average per acre cost of not to exceed \$67.50 over the entire 23,000 acres. Sixty-seven dollars and fifty cents is not an excessive cost for irrigation, drainage and flood protection. It has been pointed out by the bureau of reclamation that the average cost for irrigation projects at this time is approximately \$100 per acre. The 15,000 acres of new land within the Indian pueblos are worth probably not to exceed an average of \$10 per acre at this time. When the land is irrigated it will be worth approximately \$150 per acre. Therefore, the Indians will receive a great benefit by the improvement of this land.

4. Another benefit the Indians will receive is the provision that the entire

8,346 acres now cultivated shall have a guaranteed water right. This is a great protection to the Indians. Under present conditions the Indians have no guaranteed water right to this land, and there is no treaty provision that guarantees them any protection in their water rights.

WATER RIGHTS PROTECTED

5. The water rights of the 15,000 acres of Indian land that will be reclaimed are recognized in this legislation and are protected. The water rights of all of the Indian lands within this conservancy district will not be subject to loss because of nonuse or abandonment as long as title shall remain in the Indians. This is another very great protection to the Indians of these pueblos.

6. The 8,346 acres now under cultivation shall not be subject by the conservancy district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

7. The reimbursement for the cost of this entire work will be paid out of the rentals derived from the newly reclaimed lands. In other words, non-Indians will ultimately pay for the cost of improving these Pueblo lands.

8. There will be no lien against the 8,346 acres for improvements or betterments.

9. The liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in the pueblos or in individual Indian ownership.

10. The interior department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total lands within the district.

11. Indian lands are not taxable as long as held by the Indians and no interest charges will be required on moneys advanced by the government to pay the cost of the construction work within the Indian pueblos involved.

12. In addition to the 8,346 acres now cultivated by Indians, an additional 4,000 acres of newly reclaimed lands can be cultivated by the Indians of the pueblos involved without any rental charges being made against the Indians.

In view of the foregoing, and inas-

subject.

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It is my personal view, after an experience of nearly a quarter of a century in the Indian work, that it would be exceedingly undesirable to allot to individual Indians the lands within the several pueblos. If that were done your lands would soon pass out of Indian ownership and pueblo Indian life would ultimately be destroyed. Let me add that the Pueblo Indians are among New Mexico's greatest attractions and assets.

It was Abraham Lincoln, president of the United States, who presented the governor's of the pueblos with the black, silver-headed canes, which is the outward symbol of your pueblo government, and which are today recognized by the government at Washington. We want the closest co-operation and harmony to exist between all pueblo officials and government representatives in the field and at Washington. So much more can be accomplished for the benefit of your people by working in harmony with government officials and by mutual confidence, sympathy and understanding.

In closing these remarks I want to

the Pueblo Indians.

UNCLE SAM WISHES TO HELP HIS INDIANS BUT HE NEEDS MORE MONEY, MERITT TELLS NAVAJOS

High Official Addressing Council in Sixth Annual Session at Leupp School Says 25 Million for Several Years is Necessary; Tells of Wonderful Progress Navajos Have Made in Past Sixty Years and Outlines Interesting Program for Discussion; Pledges Aid to Solve Problems.

Uncle Sam would like to do lots of things for the Indians' welfare, but more funds are necessary; instead of the dozen or 15 million dollar annual appropriation, 25 millions is needed, and for several years. So Edgar B. Meritt, assistant commissioner of Indian affairs, told the Navajo Indian council when it opened a two-day session this morning at Leupp Indian school on that part of the reservation which is in Arizona.

Features of the address were the following declarations:

The Navajos are increasing, from 9,000 in 1868 to 35,000 today—nearly four times the number 60 years ago.

Sixty years ago the Navajos owned 25,000 head of sheep; today 1,100,000, besides 65,000 cattle and 45,000 horses.

There were few if any children in school; today there are nearly 5,000.

Uncle Sam spent over three-quarters of a million dollars on education last year.

Sixty years ago there were no doctors, nurses, hospitals; today there are 13 doctors, 16 nurses, 10 hospitals.

Sixty years ago there were 3,000,000 acres of land for the Navajos; today it is 13 million.

The Navajos formerly were a warlike tribe; today they are peaceful, industrious, prosperous. Their property has increased greatly in value.

There are still vast opportunities for further improvements.

Large sums of money, and lots of energy are devoted now to improving the health of the Indians. The death rate has been reduced in eight years from 29.3 per 1,000 to 21.8 per 1,000.

The Indians are giving up tents, wickiups and hogans and adopting permanent homes. More and larger schools are being planned for the Navajo children.

The water supply of the Navajos has been increased, and 304 wells were drilled in recent years; springs are being developed, increasing the grazing area of the Navajos.

The trachoma problem has received attention, and an exclusive trachoma school opened at Ft. Defiance; many Indian pupils have been cured.

The income to the tribe from oil has been nearly two-thirds of a million dollars and last year it was over \$71,500.

A striking feature of Mr. Meritt's address was the outlining of numerous subjects to be discussed at the council, the promise of co-operation, and the declaration that Uncle Sam would like to do more for the Indians but lacks the money; Mr. Meritt said that instead of 12 or 15 million dollars about 25 million is needed. More doctors, nurses, and hospitals are necessary; so are specialists to train the Indians especially along agricultural and industrial line; more funds are needed to provide larger variety and a more balanced food for the Indian children.

Mr. Meritt's address in full follows: Members of the Navajo Council, Ladies and Gentlemen:

It is a pleasure to call to order the sixth annual session of the Navajo Tribal Council. I bring you greetings from Washington and the best wishes of high officials of the interior department, including Honorable Charles H. Burke, commissioner of Indian affairs, for a successful meeting of this council.

I am sure that I speak the views of all members of this council and the superintendents of the other Navajo jurisdictions in expressing thanks to Superintendent Hunter and the em-

ployees of the Leupp Indian School and Agency, for their kind invitation to hold the Navajo Council at this place, and for the splendid arrangements that have been made for our convenience and comfort while here.

We are holding this council for the purpose of meeting you personally and learning direct from you your views on various matters and problems affecting the Navajo jurisdictions and the Navajo people. It is our hope that this will be a constructive and informative meeting, so that we may take back to Washington a better conception of the problems of your several jurisdictions, and be in a position to render greater service and assistance to the Navajo Indians. We also want this council to be a medium through which you may know what the government is trying to do for the Navajos and what is possible to be done by the federal government. It is also quite desirable for the Navajo Indians to learn what they can do to help themselves.

Since the ratification of the Fort Sumner treaty of 1868, the Navajo Indians have made remarkable progress along educational and industrial lines and along other lines of human endeavor. At that time there were estimated to be 9,000 Navajo Indians, and there are now approximately 35,000, a gain of nearly 400 per cent. At that time the Navajos owned approximately 25,000 sheep and goats. Today they are in possession of approximately 1,100,000 sheep and goats, and are recognized as the greatest and most successful sheepraisers of any Indians in the United States.

In 1868 the Navajo Indians owned but a few head of cattle; today they own 65,000 head of cattle and about 45,000 horses. Then there were practically no Navajo Indian children in school; today there are 4,923 of your children attending school, 3,227 of whom are in schools on the several Navajo reservations, and 1,696 are attending schools off the reservations, principally non-reservation boarding schools supported by the federal government. Practically no money was being appropriated at that time for the education of the Navajos; during the fiscal year 1928 the government expended \$768,499.24 for the education of Navajo children, exclusive of additional expenditures, for the education of Navajo children enrolled in government non-reservation schools.

Then, only a few thousand dollars was being expended in behalf of the Navajo Indians, but today we are expending considerably in excess of \$1,000,000 annually for the benefit of the Indians within the six Navajo jurisdictions, the amount expended during the fiscal year 1928 being \$1,312,678.98.

In 1868 there were no doctors, nurses, or hospitals for the benefit of the Navajo people; today we have 12 doctors, 16 nurses and 10 hospitals and sanatoria with a total bed capacity of 345 available for the benefit of the Navajos. During the recent past we have constructed new hospitals at Western Reserve, Leupp, Chin Lee, Tohatchi, a one hundred bed sanatorium is now being constructed at Fort Defiance, a small hospital has been remodeled and enlarged at the Toadlena school, the Marsh Pass school has been converted into a tuberculosis sanatorium, and we hope to obtain at the next session of congress an appropriation for a sanatorium for the benefit of the Hopi and Leupp jurisdiction.

Article 3 of the treaty of 1868 reads as follows:—

The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding \$2,500; an agency building for the residence of the agent, not to cost exceeding \$3,000; a carpenter shop and blacksmith shop, not to cost exceeding \$1,000 dollars each; and a school house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed \$5,000.

I think you will agree that this

Mexico. Through the persistent efforts of the Indian bureau this acreage has been gradually increased until today the Navajo Indians have in their possession approximately 13,000,000 acres of land. A tribe of 9,000 uneducated and frequently warring Navajos miserably existing in 1868 has increased in number to more than 35,000, a large number of whom are educated and speak the English language. This tribe is now industrious and self-supporting and is occupying in peaceful possession an area of approximately 13,000,000 acres of land, title to which cannot be questioned under the law. These same Navajos are now voluntarily sending their children to school, accepting modern medical and hospital facilities, are wearing citizens' clothes, are driving their own automobiles, are able to conduct business on equal terms with their white neighbors, are improving their home conditions, and have secured for themselves a definite place in the social and economic life in the states of Arizona and New Mexico, of which they are full-fledged citizens and are a credit and a distinct asset to their communities, their states and to their federal government.

I have endeavored to make a comparison between conditions existing in 1868 and conditions as they exist today with the Navajo Indians, and it is believed that you will all agree that there has been a most remarkable progress. However proud we may be of past splendid accomplishments and growth in population, wealth, improved home conditions, and social status in general, yet we recognize that there are vast opportunities for still further improvement.

Speaking generally of Indians throughout the United States, in 1868 there were 298,529 Indians; seven years ago, at the beginning of Commissioner Burke's administration of Indian affairs there were 340,838 Indians; today, this number has been increased to 355,901.

In 1868 there were 4,713 Indian children attending schools, many of which were conducted by various church organizations; seven years ago this number had been increased to 62,764 and today we have an attendance of Indian pupils in schools of 66,958.

Seven years ago the total Indian property was valued at \$716,705.501 and today this property is estimated to be worth \$1,648,075.274.

In 1868 there was approximately no money being expended for health work among Indians and there were no hospitals or sanatoria. At the beginning of the administration of Commissioner Burke seven years ago there was appropriated specifically for health work \$375,000 and there were 81 hospitals and sanatoria. This year the direct appropriation for health work is \$1,440,000 and the number of hospitals and sanatoria have been increased to 92 in actual operation and several more are under construction at the present time.

No record of the death rate among Indians was kept in 1868. According to the census of 1920 the death rate was 29.3 per thousand and today it has been reduced to 21.8 per thousand.

In 1868 there were practically no doctors or nurses working among Indians. Seven years ago there were 181 doctors and 106 nurses. This force of employees has been increased over a seven year period so that we now have 195 doctors and 204 nurses.

In 1868 there was appropriated for the Indian service totaled \$10,042,554.67. For the current fiscal year the annual appropriations amount to \$14,284,509.

In 1868 most of the Indians of the United States were living in tents, hogans or wickiups, with few permanent homes. Today there are over 40,000 Indian families living in permanent homes, and during the last year more than one thousand new permanent homes have been erected, and repairs and improvements have been made to an approximate similar number.

During the administration of Commissioner Burke there have been obtained from the war department two army posts which have been converted into Indian boarding schools and are now being used almost exclusively for the education of Navajo Indian children. I refer to the Theodore Roosevelt school, in Arizona, with an enrollment of 400 and the Charles H. Burke school, in New Mexico, formerly Fort Wingate, with an enrollment of 609.

We plan in the near future, and as soon as appropriations can be obtained from congress, to increase the capacity of the Western Navajo boarding school from three hundred to about five hundred; we have recently completed the construction of a new day school plant at Nava, and we hope as soon as funds can be obtained to construct other day school plants in the Navajo country.

In recent years we have drilled 304 wells in the Navajo country and 147 of these wells are now in operation, furnishing water for domestic and stock purposes for the Navajo Indians. We have also spent considerable money, and have been quite successful in increasing the water supply for the Navajo Indians through the development of springs. This work has resulted in increasing the grazing area in the Navajo country. We believe it is also possible, in some communities, to provide additional water through the building of earthen dams. We are spending this year more money than ever before in the development of water for your use, approximately \$100,000 having been authorized for this purpose.

Two years ago the first exclusive trachoma school for Indians in the United States was established at Fort Defiance, and another school has been converted into a trachoma school this fall at the Northern Navajo agency. The trachoma problem in the Navajo country has been given special and

many Navajo Indians have been cured of this disease.

We recognize the need for additional land for the 5,000 Navajos now living off the reservation on the public domain, and at the last session of congress we were successful in procuring an appropriation of \$200,000 for the purchase of lands for those Indians out of tribal funds, with an authorization for the expenditure of an additional million dollars for this same purpose. The item in the second deficiency appropriation act of May 29, 1928, reads as follows:

For purchase of additional land and water rights for the use and benefit of Indians of the Navajo tribe, (at a total cost not to exceed \$1,200,000, which is hereby authorized), title to which shall be taken in the name of the United States in trust for the Navajo tribe, fiscal years 1928 and 1929, \$200,000, payable from funds on deposit in the treasury of the United States to the credit of the Navajo tribe: Provided, That in purchasing such lands title may be taken, in the discretion of the secretary of the interior, for the surface only.

We are now engaged in negotiating for the purchase of certain lands for the benefit of the Navajo Indians out of the available appropriation.

Under the administration of Commissioner Burke, oil leases were approved on the Navajo reservation and the first well was brought in on Oct. 1, 1922. Since then there has been produced within the borders of the Navajo reservation approximately 1,773,203 barrels of oil, with an income to the tribe of approximately \$655,426.71. Last years the income from this source for the benefit of the Navajo tribe amounted to \$71,511.77. Oil production has been reduced because of overproduction throughout the country and the low price of oil.

We wish to congratulate the Navajo Indians on their co-operation with our local superintendents in partly ridding the range of practically worthless horses that have heretofore been using the grass and water that should be made available for cattle and sheep, thus yielding a larger income to the Indians.

The Navajo Indians have also co-operated closely in helping us to eradicate dourine among your stock.

It is my desire to make this council meeting a constructive and helpful one and I am taking the liberty of suggesting the following as some of the subjects that should be discussed by members of the council as well as by the representatives of the government, including your superintendents, who are here to give you information and assistance.

1. Overgrazing in the Navajo country and steps necessary for proper conservation of the range.

2. The question of eventually limiting the number of sheep, horses and goats and cattle for any one Indian so that benefits of the range may be more equitably distributed among all Navajos.

3. Further ridding the range of surplus horses so as to provide more range for sheep and cattle.

4. Purchase of additional lands to provide for Navajo Indians now on the public domain.

5. Further water development by reclaiming springs, impounding water by means of earthen dams, and drilling additional wells where other means of developing water are impossible.

6. Best means of providing additional school facilities in the Navajo country so that young children may be educated near their homes and so that there may be school facilities for every Navajo child of school age.

7. What additional hospitals, sanatoria, physicians and nurses, and health centers are needed to provide adequate medical facilities for all Navajo Indians.

8. Present status of oil development and suggestions for future development work.

9. Improvement of roads in the Navajo country, what roads are most needed by the Indians.

ods of getting more and better sanitary Indian homes.

13. Best means of improving grade of cattle and sheep owned by Navajo Indians.

14. Sale of Navajo timber and best use of proceeds for benefit of Navajo Indians.

15. The liquor problem in the Navajo country and the best means of controlling same.

16. The dourine problem on the Navajo reservation and what further steps are necessary to be taken.

17. The returned student problem on the Navajo reservation and the best way of finding employment for returned students both on and off the reservation.

This is your council and we want you to discuss frankly not only those questions but any other matters that you may wish to bring up and we want you to make the best possible use of this opportunity.

During the past two years it has been my pleasure to make two visits to the Navajo country, and I have submitted to the commissioner of Indian affairs a number of recommendations which have been approved by him, and which we are carrying out as funds become available. I want you to know of the personal interest of Commissioner Burke and myself in the welfare of the Navajo Indians. We in Washington are interested in your problems, sympathetic to your needs, and will co-operate to the limit of our ability and with the funds available to assist you in every way possible.

In conclusion, permit me to say that while the foregoing statements are convincing proof of the progress that has been made in Indian affairs among the Navajo Indians in particular, and among the Indians of the entire country generally, yet I wish to make it perfectly clear that many things need to be done that cannot now be done with the limited appropriations available. Instead of the annual appropriations of between 12 and 15 million dollars now authorized by congress we need approximately 25 million dollars per year for several years to come if we are to meet the actual requirements of the situation. We need more doctors, more nurses, more hospitals and sanatoria, more sanatorium schools, better school facilities, and at least \$300 per capita to operate our schools. We need a large reimbursable appropriation to improve bad home conditions among Indians, more money to provide trained women field demonstration agents with social service ideals, to improve home and living conditions. We need more trained agricultural and industrial leaders to teach Indians to make better use of their industrial opportunities. We need more funds to provide a larger variety and better balanced food for our Indian school children, and we need a trained force of well paid employees to bring the Indians generally to a better realization that after all, the Indian problem is their problem, and that it is the duty of the Indians of this country to become, by their own efforts, industrious, progressive, self-supporting and law abiding citizens of this great republic.

Uncle Sam would like to do lots of things for the Indians' welfare, but more funds are necessary; instead of the dozen or 15 million dollar annual appropriation, 25 millions is needed, and for several years. So Edgar B. Meritt, assistant commissioner of Indian affairs, told the Navajo Indian council when it opened a two-day session this morning at Leupp Indian school on that part of the reservation which is in Arizona.

Features of the address were the following declarations:

The Navajos are increasing, from 9,000 in 1868 to 35,000 today—nearly four times the number 60 years ago.

Sixty years ago the Navajos owned 25,000 head of sheep; today 1,100,000, besides 65,000 cattle and 45,000 horses.

There were few if any children in school; today there are nearly 5,000.

Uncle Sam spent over three-quarters of a million dollars on education last year.

Sixty years ago there were no doctors, nurses, hospitals; today there are 13 doctors, 16 nurses, 10 hospitals.

Sixty years ago there were 3,000,000 acres of land for the Navajos; today it is 13 million.

The Navajos formerly were a warlike tribe; today they are peaceful, industrious, prosperous. Their property has increased greatly in value.

There are still vast opportunities for further improvements.

Large sums of money, and lots of energy are devoted now to improving the health of the Indians. The death rate has been reduced in eight years from 29.3 per 1,000 to 21.8 per 1,000.

The Indians are giving up tents, wickiups and hogans and adopting permanent homes. More and larger schools are being planned for the Navajo children.

The water supply of the Navajos has been increased, and 304 wells were drilled in recent years; springs are being developed, increasing the grazing area of the Navajos.

The trachoma problem has received attention, and an exclusive trachoma school opened at Ft. Defiance; many Indian pupils have been cured.

The income to the tribe from oil has been nearly two-thirds of a million dollars and last year it was over \$71,500.

A striking feature of Mr. Meritt's address was the outlining of numerous subjects to be discussed at the council, the promise of co-operation, and the declaration that Uncle Sam would like to do more for the Indians but lacks the money; Mr. Meritt said that instead of 12 or 15 million dollars about 25 million is needed. More doctors, nurses and hospitals are necessary; so are specialists to train the Indians especially along agricultural and industrial line; more funds are needed to provide larger variety and a more balanced food for the Indian children.

Mr. Meritt's address in full follows: Members of the Navajo Council, Ladies and Gentlemen:

It is a pleasure to call to order the sixth annual session of the Navajo Tribal Council. I bring you greetings from Washington and the best wishes of high officials of the interior department, including Honorable Charles H. Burke, commissioner of Indian affairs, for a successful meeting of this council.

I am sure that I speak the views of all members of this council and the superintendents of the other Navajo jurisdictions in expressing thanks to Superintendent Hunter and the em-

ployees of the Leupp Indian School and Agency, for their kind invitation to hold the Navajo Council at this place, and for the splendid arrangements that have been made for our convenience and comfort while here.

We are holding this council for the purpose of meeting you personally and learning direct from you your views on various matters and problems affecting the Navajo jurisdictions and the Navajo people. It is our hope that this will be a constructive and informative meeting, so that we may take back to Washington a better conception of the problems of your several jurisdictions, and be in a position to render greater service and assistance to the Navajo Indians. We also want this council to be a medium through which you may know what the government is trying to do for the Navajos and what is possible to be done by the federal government. It is also quite desirable for the Navajo Indians to learn what they can do to help themselves.

Since the ratification of the Fort Sumner treaty of 1868, the Navajo Indians have made remarkable progress along educational and industrial lines and along other lines of human endeavor. At that time there were estimated to be 9,000 Navajo Indians, and there are now approximately 35,000, a gain of nearly 400 per cent. At that time the Navajos owned approximately 25,000 sheep and goats. Today they are in possession of approximately 1,100,000 sheep and goats, and are recognized as the greatest and most successful sheepraisers of any Indians in the United States.

In 1868 the Navajo Indians owned but a few head of cattle; today they own 65,000 head of cattle and about 45,000 horses. Then there were practically no Navajo Indian children in school; today there are 4,923 of your children attending school, 3,227 of whom are in schools on the several Navajo reservations, and 1,696 are attending schools off the reservations, principally non-reservation boarding schools supported by the federal government. Practically no money was being appropriated at that time for the education of the Navajos; during the fiscal year 1928 the government expended \$768,499.24 for the education of Navajo children, exclusive of additional expenditures, for the education of Navajo children enrolled in government non-reservation schools.

Then, only a few thousand dollars was being expended in behalf of the Navajo Indians, but today we are expending considerably in excess of \$1,000,000 annually for the benefit of the Indians within the six Navajo jurisdictions, the amount expended during the fiscal year 1928 being \$1,312,678.98.

In 1868 there were no doctors, nurses, or hospitals for the benefit of the Navajo people; today we have 12 doctors, 16 nurses and 10 hospitals and sanatoria with a total bed capacity of 345 available for the benefit of the Navajos. During the recent past we have constructed new hospitals at Western Reserve, Leupp, Chin Lee, Tohatchi, a one hundred bed sanatorium is now being constructed at Fort Defiance, a small hospital has been remodeled and enlarged at the Toadlena school, the Marsh Pass school has been converted into a tuberculosis sanatorium, and we hope to obtain at the next session of congress an appropriation for a sanatorium for the benefit of the Hopi and Leupp jurisdiction.

Article 3 of the treaty of 1868 reads as follows:—

The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding \$2,500; an agency building for the residence of the agent, not to cost exceeding \$3,000; a carpenter shop and blacksmith shop, not to cost exceeding \$1,000 dollars each; and a school house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed \$5,000.

I think you will agree that this program of construction for the Navajo Indians seems insignificant indeed when compared with the many hundreds of thousands of dollars that have been expended in the construction of school buildings, hospitals and agency quarters within the six jurisdictions covering the Navajo country.

In 1868 there was set aside for the use of the 9,000 Navajos approximately 3,000,000 acres of land in what are now the states of Arizona and New

Mexico. Today the Navajo Indians, accepting modern medical and hospital facilities, are wearing citizens' clothes, are driving their own automobiles, are able to conduct business on equal terms with their white neighbors, are improving their home conditions, and have secured for themselves a definite place in the social and economic life in the states of Arizona and New Mexico, of which they are full-fledged citizens and are a credit and a distinct asset to their communities, their states and to their federal government.

I have endeavored to make a comparison between conditions existing in 1868 and conditions as they exist today with the Navajo Indians, and it is believed that you will all agree that there has been a most remarkable progress. However proud we may be of past splendid accomplishments and growth in population, wealth, improved home conditions, and social status in general, yet we recognize that there are vast opportunities for still further improvement.

Speaking generally of Indians throughout the United States, in 1868 there were 298,529 Indians; seven years ago, at the beginning of Commissioner Burke's administration of Indian affairs there were 340,838 Indians; today, this number has been increased to 355,901.

In 1868 there were 4,713 Indian children attending schools, many of which were conducted by various church organizations; seven years ago this number had been increased to 62,764 and today we have an attendance of Indian pupils in schools of 66,958.

Seven years ago the total Indian property was valued at \$716,705.501 and today this property is estimated to be worth \$1,648,075.274.

In 1868 there was approximately no money being expended for health work among Indians and there were no hospitals or sanatoria. At the beginning of the administration of Commissioner Burke seven years ago there was appropriated specifically for health work \$375,000 and there were 81 hospitals and sanatoria. This year the direct appropriation for health work is \$1,440,000 and the number of hospitals and sanatoria have been increased to 92 in actual operation and several more are under construction at the present time.

No record of the death rate among Indians was kept in 1868. According to the census of 1920 the death rate was 29.3 per thousand and today it has been reduced to 21.8 per thousand.

In 1868 there were practically no doctors or nurses working among Indians. Seven years ago there were 181 doctors and 106 nurses. This force of employees has been increased over a seven year period so that we now have 195 doctors and 204 nurses.

In 1868 there was appropriated for the Indian service \$2,837,907.09; seven years ago the annual appropriations for the Indian service totaled \$10,042,554.67. For the current fiscal year the annual appropriations amount to \$14,284,509.

In 1868 most of the Indians of the United States were living in tents, hogans or wickiups, with few permanent homes. Today there are over 40,000 Indian families living in permanent homes, and during the last year more than one thousand new permanent homes have been erected, and repairs and improvements have been made to an approximate similar number.

During the administration of Commissioner Burke there have been obtained from the war department two army posts which have been converted into Indian boarding schools and are now being used almost exclusively for the education of Navajo Indian children. I refer to the Theodore Roosevelt school, in Arizona, with an enrollment of 400 and the Charles H. Burke school, in New Mexico, formerly Fort Wingate, with an enrollment of 609.

We plan in the near future, and as soon as appropriations can be obtained from congress, to increase the capacity of the Western Navajo boarding school from three hundred to about five hundred; we have recently completed the construction of a new day school plant at Nava, and we hope as soon as funds can be obtained to construct other day school plants in the Navajo country.

In recent years we have drilled 304 wells in the Navajo country and 147 of these wells are now in operation, furnishing water for domestic and stock purposes for the Navajo Indians. We have also spent considerable money, and have been quite successful in increasing the water supply for the Navajo Indians through the development of springs. This work has resulted in increasing the grazing area in the Navajo country. We believe it is also possible, in some communities, to provide additional water through the building of earthen dams. We are spending this year more money than ever before in the development of water for your use, approximately \$100,000 having been authorized for this purpose.

Two years ago the first exclusive trachoma school for Indians in the United States was established at Fort Defiance, and another school has been converted into a trachoma school this fall at the Northern Navajo agency. The trachoma problem in the Navajo country has been given special and vigorous attention in recent years, and

many Navajo Indians have been cured of this disease.

We recognize the need for additional land for the 5,000 Navajos now living off the reservation on the public domain, and at the last session of congress we were successful in procuring an appropriation of \$200,000 for the purchase of lands for those Indians out of tribal funds, with an authorization for the expenditure of an additional million dollars for this same purpose. The item in the second deficiency appropriation act of May 29, 1928, reads as follows:

For purchase of additional land and water rights for the use and benefit of Indians of the Navajo tribe, (at a total cost not to exceed \$1,200,000, which is hereby authorized), title to which shall be taken in the name of the United States in trust for the Navajo tribe, fiscal years 1928 and 1929, \$200,000, payable from funds on deposit in the treasury of the United States to the credit of the Navajo tribe: Provided, That in purchasing such lands title may be taken, in the discretion of the secretary of the interior, for the surface only.

We are now engaged in negotiating for the purchase of certain lands for the benefit of the Navajo Indians, out of the available appropriation.

Under the administration of Commissioner Burke, oil leases were approved on the Navajo reservation and the first well was brought in on Oct. 1, 1922. Since then there has been produced within the borders of the Navajo reservation approximately 1,773,203 barrels of oil, with an income to the tribe of approximately \$655,426.71. Last years the income from this source for the benefit of the Navajo tribe amounted to \$71,511.77. Oil production has been reduced because of overproduction throughout the country and the low price of oil.

We wish to congratulate the Navajo Indians on their co-operation with our local superintendents in partly ridding the range of practically worthless horses that have heretofore been using the grass and water that should be made available for cattle and sheep, thus yielding a larger income to the Indians.

The Navajo Indians have also co-operated closely in helping us to eradicate dourine among your stock.

It is my desire to make this council meeting a constructive and helpful one and I am taking the liberty of suggesting the following as some of the subjects that should be discussed by members of the council as well as by the representatives of the government, including your superintendents, who are here to give you information and assistance.

1. Overgrazing in the Navajo country and steps necessary for proper conservation of the range.

2. The question of eventually limiting the number of sheep, horses and goats and cattle for any one Indian so that benefits of the range may be more equitably distributed among all Navajos.

3. Further ridding the range of surplus horses so as to provide more range for sheep and cattle.

4. Purchase of additional lands to provide for Navajo Indians now on the public domain.

5. Further water development by reclaiming springs, impounding water by means of earthen dams, and drilling additional wells where other means of developing water are impossible.

6. Best means of providing additional school facilities in the Navajo country so that young children may be educated near their homes and so that there may be school facilities for every Navajo child of school age.

7. What additional hospitals, sanatoria, physicians and nurses, and health centers are needed to provide adequate medical facilities for all Navajo Indians.

8. Present status of oil development and suggestions for future development work.

9. Improvement of roads in the Navajo country, what roads are most needed by Indians at this time, and what are most practical methods of building same.

10. Trachoma schools and best methods of handling the trachoma problem in the Navajo country.

11. Tuberculosis among Navajo Indians, facilities needed for meeting situation, and where sanatoria are most needed.

12. Improving home conditions among Navajo Indians and best meth-

ods of getting more and better sanitary Indian homes.

13. Best means of improving grade of cattle and sheep owned by Navajo Indians.

14. Sale of Navajo timber and best use of proceeds for benefit of Navajo Indians.

15. The liquor problem in the Navajo country and the best means of controlling same.

16. The dourine problem on the Navajo reservation and what further steps are necessary to be taken.

17. The returned student problem on the Navajo reservation and the best way of finding employment for returned students both on and off the reservation.

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NEURALGIA
or headache—rub the forehead
—melt and inhale the vapors
VICKS
VAPORUB
Over 17 Million Jars Used Yearly

18 INDIAN TREATIES HIDDEN IN WASHINGTON ARCHIVES SINCE '52; 'LO' MAY SOON GET SQUARE DEAL

Two bills relating to the welfare of the California Indians will come before the present session of congress. One, presented to the house by Mrs. Julius Kahn, provides just compensation to the Indians for the land taken from them in 1850-52, when 18 treaties entered into between the United States government and the several Indian tribes were hidden away in the archives of Washington and never ratified.

The other bill, framed by Senator Hiram Johnson and Representative Phil D. Swing, provides for the disbursement of funds appropriated by congress for Indian welfare through the existing public agencies of the state of California, such as the state board of health, the state departments of education and public welfare.

Backed by Powerful Bodies

These bills are backed by various powerful organizations, including, among others, the Indian Defense Association, the California League of Women Voters, the General Federation of Women's Clubs and the Commonwealth Club of California.

In the words of Mrs. H. C. Roberts, chairman of the Indian welfare committee of the California Federation of Women's Clubs in Alameda, "Get back of these bills. The Indians respond to kindness, but these people (on the lower Klamath) have never had it. Their lands are gone. Their civilization is destroyed, and all we have given them in return is tuberculosis, venereal disease and oblivion."

The recent transcontinental tour of Edgar B. Meritt, United States assistant commissioner for Indian affairs, was undertaken largely at the behest of the government to refute the charges brought against the administration of Indian affairs by the government bureau in Washington. Meritt delivered a written speech before various public bodies of this state, including the Commonwealth Club, the Indian Defense Association and the Oakland Forum.

100 Unanswered Questions

These bodies drew up a list of 100 questions for Meritt to answer in regard to the alleged mishandling of Indian affairs, and, although he did not include answers to these questions in his written speech, which dealt exclusively with the charges brought by Congressman Frear of Wisconsin against the Indian bureau, he devoted several hours to answering questions from the floor during the discussion that followed his address at the Commonwealth Club.

Charles Y. de Elkus, chairman of the Indian affairs section of the club and a member of the executive committee of the Indian Defense Association of California, who led the debate from the floor that followed the speech of Commissioner Meritt, says:

"The situation among the Indians of California is inexcusably bad, and there is no use trying to palliate it by making general statements. The Indian bureau is a type of self protecting, self supporting, self perpetuating bureaucracy, whose attitude, as expressed through the speeches of its assistant commissioner, Edgar B. Meritt, is that of a real despotism—a benevolent despotism, if you will, but a despotism nevertheless."

"The bureau says in effect: 'We have dealt with the Indians for 20 years and we know what is good for them. If you want to do something for them, come to us, and if we like it, all right.'"

Criticism Annoys Bureau

"The tour undertaken by Meritt showed that the open criticism of Indian affairs has gotten underneath the skins of the officials, who feel that they have to defend themselves against the charges made by the public. Either the Indian bureau must justify itself or it must change its methods. Meritt is a pleasant type of diplomat who does not wish to meet the real issue, and, therefore, seeks to evade it. He had come here ostensibly to discuss the pending legislation in regard to California Indians and Indian legislation in general."

"For his convenience a list of 100 questions was drawn up by the various organizations interested in the welfare of the Indian and submitted to him before his arrival in California, so that he would have ample time to prepare his replies. Instead of doing so, he asked permission to refute the charges of Congressman Frear, which he did in a written speech prepared in Washington."

"No one questions Meritt's sincerity. He represents the Indian bureau, which has become a system, and when you have been steeped in a system for 20 years

you must either believe in it or get out."

Reports Are Concealed

"The Indian bureau has refused to permit the public to have access to certain reports that might shed light on the real conditions existing among the Indians on government reservations."

"One such report is that drawn up by Miss Florence Paterson of the national body of the American Red Cross, who, at the request of the Indian bureau, lived several months on Indian reservations in Arizona, New Mexico and southern California. This report has never been published, and repeated requests to see it by individuals and organizations have met with refusal from the Indian bureau."

"Another report was that drawn up by Commissioner Hagemann of the Navajo Indian reservation."

"The statistics of the Indian bureau are in many instances misleading and worthless. The facts cannot be ascertained without independent investigation, and whoever starts such an investigation is dubbed a 'propagandist,' inciting the Indians to rebel against the government, etc. Particularly misleading are the statistics of the bureau seeking to prove the immense prosperity of the American Indian, as shown by his per capita wealth."

"Indian Wealth" Erroneous

"The oil and mineral resources discovered on the land of a few Indians in Oklahoma have enhanced the wealth of certain tribes appreciably, and the Indian bureau takes credit to itself for this accidental accession of prosperity to a few individuals. The fact is that these riches do not in any way alter nor help the conditions of the average Indian, which is notably bad, particularly in California and New Mexico."

"The statistics about the increase of population are equally worthless. In certain sections of this state the Indians are dying out altogether for lack of proper medical attention and means of subsistence, due to the wrongs done their ancestors through the so-called 'lost treaties' that congress failed to ratify, and which deprived them of their land without giving them anything in return."

"We do not ask that the property of the Indians be turned over to them at once, but only that it be administered for them in such a way that they will reap the benefit, which is not the case at present."

Urge Officials of Pueblo to Co-operate With Government in Solving Indian Problems

Outlining plans for the coming year and explaining in detail the accomplishments of the government during the last year in the pueblo country, Edgar B. Meritt, assistant commissioner of Indian affairs, opened the third annual session of the United States pueblo Indian council at Santa Fe Wednesday.

"Our purpose in calling these annual councils," Mr. Meritt said, "is to learn from you your needs so that there may be the closest cooperation and understanding between the pueblo Indians and the government. We are here for the sole purpose of advancing your interests, and are not asking anything for yourselves."

Many improvements have been made among the schools of the council the commissioner said, showing an enrollment in the schools of 2,147 out of 2,325 of school age.

Remodel Schools

During the fiscal year the government expended \$746,103 for the benefit of the Pueblo Indians, Meritt said. The Picuris and Taos schools have been completely remodeled and at the former two additional rooms have been erected.

The Taos Indians have purchased a threshing machine and in the near future will have erected a flour mill. Two bridges over the Rio de Taos have been erected and the Taos hospital has been completed and furnished with a nurse provided for the hospital and community work, he said.

Improvements on other reservations were reported showing the rapid strides being made. All this has been accomplished without interfering with any of the traditions, dances and other rituals of the Indians, the speaker said.

Conservation.

"There was enacted by congress in March, legislation authorizing the secretary of the interior to execute an agreement with the Middle Rio Grande Conservancy District, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands within the pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana Sandia and Isleta," Meritt said.

"While the conservancy legislation passed by congress does not contain as liberal provisions as we hoped for when we made our recommendations to congress, we believe the legislation will result in great good to the Indians. I wish to point out some of the benefits to the Indians that will accrue by reason of the passage of this legislation.

"The legislation permits agreement between the secretary of the interior and officials of the conservancy district, and we propose to put in that agreement every provision that is possible for the protection of the Pueblo Indians.

"Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this legislation. The cost of the improvements is limited to an average per acre cost of not to exceed \$67.50 over the entire 23,000 acres. The 15,000 acres of new land within the Indian pueblos are worth probably not to exceed an average of \$10 per acre at this time. When the land is irrigated it will be worth approximately \$150 per acre. Therefore, the Indians will receive a great benefit by the improvement of this land.

Guarantee Water Rights.

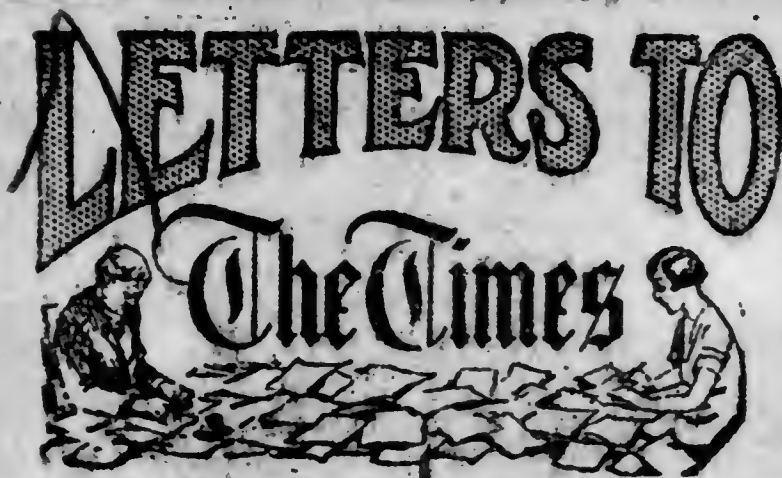
"Another benefit the Indians will receive is the provision that the entire 8,346 acres now cultivated shall have a guaranteed water right. This is a great protection to the Indians. Under present conditions the Indians have no guaranteed water right to this land, and there is no treaty provision that guarantees them any protection in their water rights.

"The water rights of the 15,000 acres of Indian land that will be reclaimed are recognized in this legislation and are protected. The water rights of all of the Indian

lands within this conservancy district will not be subject to loss because of non-use or abandonment as long as title shall remain in the Indians. This is another very great protection to the Indians of these pueblos.

"I want to assure you of the sincere friendship of Indian service officials in Washington as well as your local superintendents and other officers in the field. You may continue to rely with absolute confidence on your government at Washington and your local superintendents. This is your council and we desire you to make the most of it. Let us know of your problems, your needs and your wishes so that we may go back to Washington with this information and so that we may be better able to help you. We will be glad to cooperate in every way practicable."

MARCH 10, 1931



[Name and address of writer must accompany all letters for this column. Letters of a personal nature or involving contentious religious questions are not acceptable.]

The Indian Bureau

MONROVIA, March 6.—[To the Editor of The Times:] Administrations may come and administrations may go, be they Republican or Democratic, but the iniquitous Bureau of Indian Affairs seem to go on forever.

An intelligent Palm Springs Indian was asked why they did not clean things up on their property and make improvements. His reply was that they had no money and that the government would neither give nor loan them any.

The Warner Springs Indians were robbed of their inheritance. For years the Santa Rosa Indians have waited with such patience as only Indians can exhibit, for government assistance in providing the isolated reservation with some system of irrigation. If what we read is reliable information, a considerable sum of money has been allowed these Indians for a right of way across their lands; but do they have the spending of their money? Oh, no; the United States Indian Office holds it for improvements on the reservation under supervision of the government department and Congress. Even an appeal to Washington by C. L. Ellis, head of the Mission Indian Agency, was in vain; nothing can be done until Congress passes a "deficiency" bill now "pending." There you are.

Unquestionably there is a great deficiency of brains in Washington. I wonder if some one of the Senate "investigating committees" now going into action will find their way down to the Santa Rosa Indian reservation. Perhaps they would like to take a snapshot of an aged, bent and white-haired woman poking about among the leaves of an oak tree for a handful of acorns to help sustain the little life she has left.

I would like to see Will Rogers at the head of the Bureau of Indian Affairs in Washington.

W. H. MARQUIS.

MRS. ATWOOD REPLIES TO MERRITT; 364 INDIAN SERVICE IS CRITICISED

Vigorous Defense of Congressman Frear and John Collier—Program of Federation of Women's Clubs for Welfare of Indians Is Sound

Editor Riverside Daily Press: It is not at all necessary for me to rush to the defense of Congressman Frear and John Collier against the attack made on them by the very delightful E. B. Merritt, assistant commissioner of Indian affairs. They are eminently capable of taking care of themselves. But there are a number of points in Mr. Merritt's speech which need a bit of elucidation.

To begin with, it seems very strange why the truth of the statements of the two gentlemen in question were not investigated last winter when the statements were made before the Indian committee and on the floor of congress. Mr. Frear and Mr. Collier demanded again and again an opportunity to have a full and complete hearing as to the truth or falsity of the statements, which demand was denied. Feeling very keenly the importance of knowing whether their statements were true or false, I sent a wire to the chairman of the committee on Indian affairs demanding that these gentlemen bring the proof of their statements before the committee. Arthur Bent, secretary of the Los Angeles Chamber of Commerce, sent a similar telegram, but our request, I understand, was opposed by Commissioner Burke and therefore denied by the committee. This led me to send another telegram stating that so long as a hearing was refused we were forced to believe the statements true and proceed on that assumption.

One of the first items Mr. Merritt referred to in his speech was the health situation. Of course he quoted from figures in the Indian bureau which are notoriously inaccurate. It is impossible for them to be otherwise, compiled as they are by untrained people on the field. Three years ago the chief of the Indian medical service told me that up to that time since the world war, the bureau was keeping no vital statistics. A Red Cross nurse reported to me that in one small Indian village she found in one day two births and two deaths that had not been reported.

I would have liked to ask Mr. Merritt if the mortality tables of the federal census did not show the white death rate in the registration area to be less than 12 per 1000 per year, and that the Indian death rate in the registration area is steadily increasing as follows: In 1921, 17.5 per thousand; in 1922, 18.2 per thousand; in 1923, 22.5 per thousand; in 1924, 25.9 per thousand.

Perhaps the increase in population which Mr. Merritt reports may be explained in part by the statement of Frederick Hodge, for many years chief of the bureau of ethnology in Washington, D. C., who says: "Startling as it may seem,

we find included in the total 'Indian' population 23,415 negroes, or so-called freedmen, and 2582 whites by marriage among the five civilized tribes of Oklahoma."

Dr. Herbert J. Spinden, professor of anthropology in Harvard university, states that the futility of the assertion that the Indian population is on the increase is proven by the fact that the figures are swelled by including all who are of one-sixteenth Indian blood.

Reports come to my desk at frequent intervals, telling of terrible conditions on the reservations in regard to health; and from first-hand observation I know they are all too true.

We are surely grateful for every hospital that is put up, and for every nurse placed in the field. The regrettable part is that there is any feeling of resentment toward those who are trying to bring the evil conditions to light with a view to their correction.

It is interesting to note that all bills relating to Indian affairs are submitted to the Indian bureau and go to the Indian affairs committees in congress either with its endorsement or condemnation.

The bills introduced by Mr. Frear to correct abuses on the reservations were not passed, in fact did not even come out of committee, not because of the animosity of Mr. Frear's colleagues, but for the very good and sufficient reason that the Indian bureau opposed his bills. The Indian bureau is the only one that arrogates to itself the right to pass on all legislation concerning it.

Last winter there was introduced in congress a bill that would have legalized the Indian courts on the reservations. Mr. Merritt took occasion to eulogize the Indian judges who are appointed by the superintendent on the reservation, and who get \$10 a month for their services. I thoroughly agree with Mr. Merritt, for the most part, as to the high character of these Indians; but I have in mind some Indians who were appointed by a certain superintendent, who were not of high character, and who were specifically appointed to serve the ends of that superintendent, who has since served a term in prison. The situation referred to was thoroughly un-American. We have none of us, as far as I know, questioned the right of the Indian to appeal the decisions of the Indian judges to the superintendent who appoints the judges, to the commissioner who appoints the superintendent, and on to the secretary of the interior who designates the commissioner. What we have contended and what we do contend is that the first American, born on American soil and who has been made a citizen of this great republic, should have the

right to appeal to the civil courts; the right to due process of law. In other words, that our Indians should have the fundamental human rights of every other American citizen.

The General Federation of Women's club has put itself squarely on record as opposing any abrogation of the constitutional rights of the Indians.

In the Paul Moore episode to which Mr. Merritt so feelingly referred, Mr. Merritt missed the point entirely. None of us are weeping over Paul Moore. He deserved all and more than he got, I haven't a doubt. In passing, I will state that Governor Blaine of Wisconsin first wired President Coolidge of the incident. The point is that no matter how heinous the crime he commits every American citizen should have the right of trial by a jury of his peers, and the right of appeal to other courts.

The Navajo bridge was an item cleverly tied up with the deficiency bill of some \$425,000,000. For ten days it was fought on the floor of the senate, by such eminent men as Senator Lenroot, Senator Cameron of Arizona and Senator Bratton of New Mexico. When it passed it was no discredit to Mr. Frear, as Mr. Merritt intimated, but had to go through as a part of the deficiency bill. The senators who fought the item denounced it in no uncertain terms, and whether the first intention was to use the \$100,000 of the Navajo's money, which was the fruit of their oil royalties, or to make it a charge against the future may be a question which is not for me to answer. However, these Indians are American citizens. It was their money, and it was being used against their protest as being not for their benefit. Now, I submit that as citizens, if one of our children had their property either used or hypothecated in such a way by a guardian, the guardian's action would be subject to a review of the courts.

In the hearings on the bill it was brought out that only ten Navajos crossed the river at Lee's Ferry last year, and there was a perfectly good ferry on which to cross. The bridge will be used almost wholly by tourists from all over the United States and it should be a straight appropriation from the federal treasury.

The so-called oil bill was referred to by Mr. Merritt. The bill in its original form I consider one of the worst bills that has come before congress since I have been in this work. More far-reaching in its results than the vicious Bursom bill, it would have opened some 22,000,000 acres of land for exploitation. Secretary Fall, with his well-known generosity with our national resources, gave as his opinion that the executive order reservations were simply loaned the Indians for their temporary use. The Indian Rights association became alarmed at the dark portent of this decision and, through the president, got an opinion from Attorney General Stone, who, in an exhaustive review of the law, reversed the opinion of Mr. Fall. When the Committee of One Hundred met they passed a resolution to the effect that a

law should be immediately passed confirming the title of the Indian to the executive order reservation. Conceive of our dismay when we found this bill, endorsed by the Indian bureau, would, in effect, confirm Mr. Fall's opinion. As Mr. Merritt said, the bill provided for 37½ per cent of the Indians' royalty to be paid to the state; but he did not say that no provision was made in the bill for the payment to the state by the white producers. A special provision must be made to that effect, so long as the oil is found on a reservation. Our contention was that the Indian royalties and the white man's royalties should be taxed exactly alike, with no stipulation as to how the money should be spent.

Senator Ashurst, whose state would have been affected the most, said the bill in its original form was a public disgrace. The bill was finally revised and passed in a satisfactory form; but through some misapprehension, President Coolidge vetoed it. I have stated in these columns before that in the president's opin-

ion, which he sent me, and in a personal letter from Senator Borah it was admitted that the interests of the Indians were protected in every particular in the bill as it passed congress.

The matter of the Indian children being taken from their parents to non-reservation schools has been the subject of some heated discussion, but Sherman Institute has never been involved in the controversy. Through the agitation that has been brought about by various organizations that policy may have been abandoned. Leo Crane, who was superintendent among the Hopis, in his book, "Indians of the Enchanted Desert," tells frankly of carrying children away from their homes against the protest of their parents. In searching for the children who were hidden in out of the way places, he found one father with an axe in his hand ready to make a vigorous protest, but the employees took away the axe from the man and removed the children. I do not say but what the children in that case were not better off, but I do say that children have

been forcibly taken away from their homes in the past. A year ago when I was out on one of the reservations, one of the older chiefs came to me in great distress, asking me to interfere and help to keep the children from being forcibly taken from their families. Three years ago a young teacher on a certain reservation told me that the year I was there on this reservation was the first year the employees had not found it necessary to surround one of the villages in the night and take the children shrieking from their parents. Only last August one of the prominent women of Gallup, New Mexico, told me she cried for 24 hours straight when the little Indian children were brought in to the big hall near her waiting to be sent to the schools, where she could hear their homesick cries.

Perhaps now that they have a school started at Fort Wingate, near Gallup, that situation will be bettered, for that is right in the middle of the Navajo country.

The program as outlined by our Division of Indian Welfare G. F. W. C., seems to me so simple and We want the Indians to have right.

1. Under the constitution.
 2. To the public school system, with the first eight grades on the reservation, with trained teachers, so that the homes may be improved, turning the non-reservation schools into industrial high schools.
 3. To the activities of the agricultural department, the Indian problem being essentially a rural one.
 4. To the public health service in conjunction with the state, and
 5. Where the Indians are incompetent, they should be made wards of the federal courts.
- I hope my readers will be as interested as I am in comparing these two points of view. All that is needed is to have the truth put before our people and they will do the rest.

STELLA M. ATWOOD.

INDIAN AFFAIRS ASSISTANT TELLS PUEBLO COUNCIL VALUE OF CONSERVANCY PROJECT

Albuquerque Journal, Nov. 8, 1928

Edgar B. Merritt Addresses
Tribal Gathering at Santa
Fe; Tells of Government
Improvements Made

SANTA FE, N. M., Nov. 7.—Numerous improvements made recently in the pueblo country were reviewed in an address before the Pueblo Indian council Wednesday morning by Edgar B. Merritt, assistant commissioner of Indian affairs, who arrived here after a visit at Albuquerque and at various pueblo villages.

Mr. Merritt reached Albuquerque Tuesday night after a visit at Acoma, Laguna and Isleta and paid a visit to the United States Indian school at Albuquerque.

Mr. Merritt left Albuquerque in time to inspect the new Zia pueblo bridge, just completed, before continuing his journey to Santa Fe, for the council meeting which opened at 9 o'clock.

Mr. Merritt's address before the council follows:

"Our purpose in calling these annual meetings of the pueblo council is to enable us to meet you face to face and to discuss your problems and to learn from you the needs of your pueblos, so that there may be the closest co-operation and a thorough understanding between the Pueblo Indians and the government at Washington. I want to assure you in advance that we are here for the sole purpose of helping you, and are not asking anything for ourselves.

Improvements Made

"We have present a number of government officials who will be

called upon to furnish any information you may desire about your affairs, and they will be glad to co-operate in every possible way.

"Since our last meeting a year ago, and largely as a direct result of the council held at that time, many improvements have been made in the pueblo country and considerable progress has been made along educational lines. Many improvements are noticeable at both the Albuquerque and the Santa Fe boarding schools, as well as at the 20 pueblo day schools. I find that there are 2,335 Pueblo Indian children of school age with 2,147 children in school during the last fiscal year, as follows:

"In pueblo day schools, 1,090; in Santa Fe boarding school, 286; in Albuquerque boarding school, 342; in mission schools, 225; in other schools, 104.

"The government has expended for the benefit of the Pueblo Indians during the last fiscal year, \$746,103.82.

"The following are some of the improvements that have been made in the pueblo country since the holding of the last United States Pueblo Indian council a year ago:

"The Picuris day school plant has been entirely remodeled and two additional rooms built.

"A threshing machine has been purchased for the Taos Indians and was used in threshing this year's crop.

"The entire school plant at Taos has been repaired, and sidewalks constructed wherever necessary.

"A flour mill has been purchased for the Taos Indians and will be installed at an early date.

"Two bridges over the Rio de Taos have been recently completed. An employes cottage at the Taos hospital has recently been completed. The hospital itself has been completed and furnished, and a nurse provided for the hospital and for community work in the Taos pueblo.

"The San Juan day school plant has been enlarged, one additional teacher has been provided, and the enrollment at this school has been increased to 89.

San Juan Improvements

"The San Juan community bath and laundry has recently been finished.

"A hay baler and platform scales for the Tesque Indians have been provided and were used in bailing this year's crop of alfalfa.

"The Santo Domingo day school construction has recently been completed and we now have sufficient room to accommodate two hundred children of that pueblo.

"The community bath and laundry for this pueblo has recently been finished and is now ready for use.

"The Cochiti day school plant has recently been overhauled and is now in excellent condition.

"Estimates have been made for the further development of water for the San Ildefonso Indians and it is hoped that appropriations will be obtained for this work at the coming session of congress.

"The boundary lines between the Laguna and Acoma grants are being fenced on a cooperative basis, as a result of joint council meetings between the Lagunas and Acomas.

"We have completed the Chiscale day school plant on the Isleta pueblo, together with the addition of the teachers' quarters, which also includes quarters for the nurse and dispensary.

"A tractor has been purchased to break up lands in the Isleta pueblo.

"Arrangements are being made for the purchase of additional bulls

on the reimbursable plan for the Santa Ana Indians.

"Eight hundred head of sheep have been purchased for the San Felipe Indians under the reimbursable plan.

"The new bridge over the Jemez river near the Zia pueblo has been completed and is now in use. We were successful in procuring an appropriation of \$7,500 for this bridge at the last session of congress.

"Work on the construction of the new schoolhouse within the Zia pueblo has been started and will be completed about the first of December.

"Several bulls have been purchased for the Jemez Indians. The new government day school at Jemez has been completed and was opened on September 9 with about 35 pupils enrolled.

The Laguna tuberculosis sanatorium has been improved during the past year and the facilities of this institution have been better utilized than ever before. Indians with tuberculosis are showing appreciation of the benefits that can be obtained at the Laguna sanatorium.

"On the Zuni reservation we have completed a well that supplies water for the day school and the Indians; a bath house and laundry has been completed, and is being generously patronized by the Indians; improvements have been made to the hospital, a new school building has been constructed at the Zuni sanatorium; a new bridge has been authorized to be constructed, and an appropriation has been obtained for a road running through this pueblo, together with many other improvements that have been authorized during the past year.

"A one-hundred-bed hospital has been constructed at the Albuquerque Indian school at a cost of \$65,000; additional lands are being purchased for this school and many other improvements have been made during the last fiscal year.

"A new boys' dormitory with a capacity of nearly 200 has been constructed at the Santa Fe school at a cost of \$50,000; an appropriation of \$50,000 for a new fifty-bed hospital has been obtained, and the hospital is now in process of construction; the old dormitory for boys has been remodeled and improved at a cost of about \$10,000, the capacity of the school has been increased from four hundred and fifty to five hundred, and many other improvements have been made during the past year.

"Grades have been increased in the following pueblo schools during the past year:

"Southern pueblos: Acoma, Encinal, Laguna, Paguete.

"Northern pueblos: San Juan, Santa Clara, Santo Domingo.

"It is our policy ultimately to have sixth grade schools in each of the pueblos.

"We were successful in procuring an act of congress authorizing the setting aside of additional lands for the Acoma Indians, amounting to approximately 14,000 acres.

Conservancy Project

"We were also fortunate in procuring the enactment of legislation to authorize the acquisition of rights of way through lands of Pueblo Indians of New Mexico in accordance with federal laws, which is an additional protection to the Pueblo Indians.

"Congress, on March 27, 1928, passed an act on the recommendation of the interior department to provide for the protection of the watershed within the Carson national forest from which water is obtained for the Taos pueblo.

"There was also enacted by congress, on March 13, 1928, legislation authorizing the secretary of the interior to execute an agreement with the Middle Rio Grande Conservancy district, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands within the Pueblos

of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta.

"While the conservancy legislation as finally passed by congress is not in the exact form originally recommended by the interior department and does not contain quite as liberal provisions as the Indian office had hoped for when we made our recommendations to congress, as shown by our printed statements before the Indian committees of the senate and house of representatives. It should be borne in mind, however, that the final form of all contested legislation as passed by congress is largely a matter of compromise. We believe that altogether the conservancy legislation is liberal in its terms toward the Pueblo Indians and will result in great good to the Indians living in those pueblos within the conservancy district. I wish to point out some of the benefits to the Indians that will accrue by reason of the passage of this legislation.

Agreement Possible

"1. The legislation permits an agreement to be entered into between the secretary of the interior and officials of the conservancy district, and we propose to put in that agreement every provision that is possible for the protection of the Pueblo Indians.

"2. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this legislation, and the secretary of the interior is to determine what lands shall be included and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore, the district officials cannot include any lands within that district that are not susceptible of economic irrigation and cultivation.

"3. The cost of the improvements to the Indian lands in question is limited to an average per acre cost of not to exceed \$67.50 over the entire 23,000 acres. Sixty-seven dollars and fifty cents is not an excessive cost for irrigation, drainage and flood protection. It has been pointed out by the bureau of reclamation that the average cost for irrigation projects at this time is approximately \$100 per acre. The 15,000 acres of new land within the Indian pueblos are worth probably not to exceed an average of \$10 per acre at this time. When the land is irrigated it will be worth approximately \$150 per acre. Therefore, the Indians will receive a great benefit by the improvement of this land.

"4. Another benefit the Indians will receive is the provision that the entire 8,346 acres now cultivated shall have a guaranteed water right. This is a great protection to the Indians. Under present conditions the Indians have no guaranteed water right to this land, and there is no treaty provision that guarantees them any protection in their water rights.

Water Rights Protected

"5. The water rights of the 15,000 acres of Indian land that will be reclaimed are recognized in this legislation and are protected. The water rights of all of the Indian lands within this conservancy district will not be subject to loss because of non-use or abandonment as long as title shall remain in the Indians. This is another very great protection to the Indians of these pueblos.

"6. The 8,346 acres now under cultivation shall not be subject by the conservancy district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

"7. The reimbursement for the cost of this entire work will be paid out of the rentals derived from the newly reclaimed lands. In other words, non-Indians will ultimately pay for the cost of improving these pueblo lands.

"8. There will be no lien against the 8,346 acres for improvements or betterments.

"9. The liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in the pueblos or in individual Indian ownership.

"10. The interior department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total lands within the district.

"11. Indian lands are not taxable as long as held by the Indians and no interest charges will be required on moneys advanced by the government to pay the cost of the construction work within the Indian pueblos involved.

More Land

"12. In addition to the 8,346 acres now cultivated by Indians, an additional 4,000 acres of newly reclaimed lands can be cultivated by

the Indians of the pueblos involved without any rental charges being made against the Indians.

"In view of the foregoing and inasmuch as the Indians will have their 8,346 acres of land now indifferently irrigated put in first class condition, and will also have the privilege of cultivating 4,000 acres of newly reclaimed land without rental charges, and inasmuch as the remaining 12,000 acres of newly reclaimed Indian lands will be leased to non-Indians and the rentals therefrom will pay for the entire cost of the irrigation and other work authorized in the conservancy act and inasmuch as the Indian lands will be very greatly increased in value, it is believed that all fair minded persons will agree that the Indians will receive a very great benefit by reason of the passage of the legislation in question.

"We recognize the importance of this legislation and the interest the Indians of the six pueblos have therein, and we will be glad to furnish any additional information that you may want regarding this subject.

"The pueblo lands board has been making satisfactory progress with its work during the past year. Congress has heretofore made appropriations to cover the awards of the board for Jemez and Tesuque. The board has submitted reports on seven other pueblos, and the awards made by the board as follows:

San Felipe	\$ 20,341.10
Sandia	20,950.90
Taos	48,497.00
Santo Domingo	13,883.20
Santa Ana	5,035.54
Nambe	26,668.63
Picuris	47,132.90
	\$182,514.27

"We hope to obtain appropriations to cover these awards at the coming session of congress.

"I wish to repeat and emphasize what I told the members of the council last year—that the government at Washington has no intention of interfering with any of your customs, ceremonies, dances, traditions, religion, or your form of pueblo government.

"It is my personal view, after an experience of nearly a quarter of a century in the Indian work, that it would be exceedingly undesirable to allot to individual Indians the lands within the several pueblos. If that were done your lands would soon pass out of Indian ownership and Pueblo Indian life would ultimately be destroyed. Let me add that the Pueblo Indians are among New Mexico's greatest attractions and assets.

Desire To Co-operate

"It was Abraham Lincoln, president of the United States, who presented the governors of the pueblos with the black, silver-headed canes, which is the outward symbol of your pueblo government and which are today recognized by the government at Washington. We want the closest co-operation and harmony to exist between all pueblo officials and government representatives in the field at Washington. So much more can be accomplished for the benefit of your people by working in harmony with government officials and by mutual confidence, sympathy and understanding.

"In closing these remarks I want to assure you of the sincere friendship of Indian service officials in Washington as well as your local superintendents and other officers in the field. You may continue to rely with absolute confidence on your government at Washington and your local superintendents. This is your council and we desire you to make the most of it. Let us know of your problems, your needs and your wishes so that we may go back to Washington with this information and so that we may be better able to help you. We will be glad to co-operate in every way practicable.

"We have a pardonable pride in the many splendid things that have been accomplished for the Pueblo Indians during the past year, largely the result of the last meeting of the United States Pueblo Indian council. It is a record of constructive accomplishments not equaled by any other similar period in the entire history of the Pueblo Indians.

HUNT LOSES IN

PHOENIX,

Governor Geary today times chief and dem seventh morning John He w and sta n

Meritt

U. S. OFFICIAL IN L. A. TALK ON INDIANS

Between 300 and 400 people interested in Indian affairs and members of the Indian Defense association were expected to attend a luncheon this noon at the chamber of commerce in honor of Edgar B. Meritt, assistant commissioner of Indian affairs at Washington.

Meritt attacks many of the so-called misleading statements made with regard to the government's method in dealing with Indian problems. He states that "in the last 25 years Indians have been steadily increasing in population contrary to some assertions and are no longer a vanishing race. For example," he continued, "in 1900 there were 270,544 Indians in the United States and today we have 349,876."

INDIANS ON INCREASE

"The Indians are increasing in population at the rate of about 1500 per annum, which is the result of the Indian bureau's work along educational and health lines.

"Few Indians are ever sentenced to jail beyond 30 days," Meritt said, in commenting on the Indian penal system. "The jail on the reservation is used mainly for sleeping and eating purposes, the Indians being required to work on roads and do other useful tasks.

"The Indian courts are a fine example of the constructive method of the government in teaching the Indians real self government. Any Indian has a right to appeal from the decision of the Indian court to the superintendent or from the decision of the superintendent to the commissioner of Indian affairs, and from the decision of the commissioner to the secretary of the interior."

In reply to an attack by Congressman Frear of Wisconsin regarding the Indian's power to employ an attorney unless it is an attorney designated by the bureau in Washington, Meritt had the following to say:

MAY EMPLOY ATTORNEY

"Any Indian may employ an attorney and the Indian bureau does not attempt to supervise the employment of attorneys for individual attorneys except to see that they are not overreached in the fees they are required to pay."

There has been considerable agitation in the southwest of late over Indian problems and misunderstandings as to the government's method of dealing with certain cases. Part of Meritt's mission on his visit west is to clarify the situation as much as possible in an attempt to bring about a better general understanding of the Indian commissioner's work at Washington.

INDIAN COMMISSIONER MERRITT GIVES REPLY TO CHARGES CONGRESSMAN FREAR

Riverside Exchange Club Honored by Presence of
Edgar B. Merritt, Assistant Indian
Commissioner

Riverside Exchange club today was host to Edgar B. Merritt, assistant Indian commissioner, of Washington, D. C., who talked on the affairs of the American Indians and their problems.

Representatives of the Chamber of Commerce and other clubs of Riverside were present at the invitation of the Exchange club at the noon-day luncheon at the Glenwood Mission Inn. Mr. Merritt's talk in part follows:

"The Indians in the last 25 years have been steadily increasing in population and are no longer a vanishing race. For example, in 1900 there were 270,544 Indians in the United States and today we have 349,876. The Indians are increasing in population at the rate of about 1,500 per annum, which is the result of the work of the Indian bureau along educational and health lines."

Congressman Frear has repeatedly said that the Indian bureau control is effected by an army of political employees, good, indifferent and sometimes bad. In reply to this Mr. Merritt said:

"The facts are that out of the 4,960 employees in the Indian service, there are only two political employees, namely the Commissioner of Indian Affairs and the Superintendent of the Five Civilized Tribes. The assistant Indian commissioner has been in the government service nearly thirty-three years and more than twenty years in the Indian service and his position can not properly be called a political one. The present commissioner of Indian affairs was selected for that office because of his preeminent qualifications for the position, having spent forty years of his life among the Sioux Indians and served for many years in Congress as a member of the committee on Indian affairs of the house of representatives and later as chairman of that very important committee. No man ever filled the office of commissioner of Indian affairs who was more efficient, better equipped, or more sincerely interested in the Indians than is Commissioner Burke. He is the soul of honesty, honor of fair dealing and deserves the undivided support of the American people in administering the difficult duties of his responsible office. Practically all of the employees in the Indian service are appointed through civil service channels, and approximately 1,700 of these employees are Indians who have been educated in our government Indian schools."

"Mr. Frear says that the Indian agents appoint Indian judges at \$10 per month to carry out the policy of oppression, and that the Indians are without jury, without attorney, without bail and without right of appeal."

The facts are that these Indian judges are among the leading Indians on each reservation. They are selected because of their prominence and the respect with which they are held by the Indians. Any Indian has the right to employ an attorney. Any Indian has a right to appeal from the decision of the Indian court to the superintendent; from the decision of the superintendent to the commissioner of Indian Affairs; and from the decision of the commissioner of Indian Affairs to the secretary of the Interior. The Indians therefore have three appeals. Few Indians are ever sentenced to jail beyond thirty

days and most sentences are less, and then the jail is used only for sleeping and eating purposes, the Indians being required to work on roads and do other useful tasks on the reservations. The Indian courts are much more lenient than would be the case if the Indians had their trials in either state or Federal courts. These Indian courts are a fine example of the constructive methods of the government in teaching the Indians real self-government."

Riverside club men and club women were interested in Mr. Merritt's explanation of the Lee's Ferry bridge controversy, in which Congressman Frear asserts that the Navajo Indians were robbed of \$100,000. This matter has been discussed here in club circles. Mr. Merritt said:

"In the first place we can say positively that there never was any intention of taking \$100,000 out of the \$116,000 belonging to the Navajo Indians. For 100 miles there is no bridge across the Colorado river, which borders on the Navajo reservation for a long distance. The building of a bridge at Lee's Ferry will open up the western part of the Navajo country, will result in building good roads in that country, and will greatly increase the value of the holdings of the Navajo Indians. Within the last few years oil has been discovered on the Navajo reservation and there is every indication that the Navajo Indians will have a large income from this source and can well afford to pay their share of the construction of the Lee's Ferry bridge. The \$100,000 appropriation for this bridge comes out of the treasury of the United States and the Navajo Indians will not be requested to reimburse this money for several years and after they have ample funds available for that purpose."

"If you will study the map of the state of Arizona you will find that a large part of that state is taken up by Indian reservations and the Indian lands are nontaxable. The state of Arizona loses many thousands of dollars each year because of the nontaxability of these lands. This phase of the matter should be considered in connection with the discussion of the Lee's Ferry bridge reimbursable appropriation, especially when it is understood that under the legislation the state of Arizona will be required to pay for one-half of the cost of the construction of the bridge."

Touching on the claim by Congressman Frear that Indian children are stolen, under the color of the law, torn from their homes and parents and sent to the schools in Riverside, Albuquerque, Phoenix, and Fort Wingate, Mr. Merritt said:

"You will be amused when I tell you that the Phoenix, Albuquerque, Riverside schools, to which Mr. Frear refers, have been established more than a quarter of a century; established recently to head off any therefore they could not have been

criticism of the Indian service.

Answering his statement in regard to kidnapping Indian children, we can truthfully say that this is not necessary to fill our Indian schools, even if we were disposed to do so, because there is a greater demand for education of Indian children than we have capacity in our Indian schools; also there is a Federal law which prohibits taking of children from a reservation in one state to a school in another state, without the consent of the parents. (Act June 10, 1896, 29 Stat. 1, 348).

"Answering Mr. Frear's general criticism of our Indian schools, I wish to say that the Indian bureau is conducting one of the most efficient school systems among the Indians to be found anywhere in the United States. Mr. Samuel A. Elliot, a member of the board of Indian commissioners, an advisory board created by Congress and appointed by the president, and in no way connected with the Indian bureau, in speaking of our Indian school system, said:

"I wish I might send my children to an Indian school. There are no finer in the country, public or

private. That may be too broad a statement as to instruction, but in education theory and, in the larger schools, in equipment, none surpasses and few equal them."

"We have eighteen nonreservation boarding schools, fifty-nine reservation boarding schools, and 131 day schools with an enrollment of 10,321; 11,773 and 4,560 respectively, or a total of 26,659. There are nearly 38,000 Indian children in public schools, and over 7,000 Indian children in mission schools. There are 71,284 Indian children in schools of all kinds, or twenty per cent of the Indian population, and about eighty per cent of the total number of eligible school children are in school. During the last five years we have increased the capacity of the Indian schools in the Navajo country alone nearly 3000 and in recent years we have been quite successful in getting from Congress increased appropriations for Indian education and we are now spending approximately \$6,000,000 a year for the education of Indian children."

"Mr. Frear, criticizing the health work of the Indian bureau among the Indians, speaks of the 'tales of neglect and wicked concealment of health conditions among the Indians.'"

"In 1910 we were getting an appropriation of \$40,000 annually for health work among the Indians. We have been successful in graduating this appropriation to

Indian for medical work, as misstated by Mr. Frear, we are expending \$5.33 per capita for restricted Indians, which is more than is being expended per capita for health work among the entire population of this country, which amounts to \$5.14 per capita. (See "Nation's Health," October, 1925). The \$5.33 per capita does not include the money which the Indians themselves pay for medical work which amounts to many thousands of dollars annually and which materially increases the per capita expenditure for medical service among Indians."

"Our Indian medical service has recently been reorganized and is now administratively operated along the lines of the public health service."

"Mr. Frear makes this wild statement:

"I would rather be a serf in Russia under the old regime than to be one of our American Indians under present conditions—and I have personally seen both."

"In answer to this ridiculous charge we wish to quote from a letter dated Fort Defiance, Arizona, October 30, 1926, signed by Robert Arnold, reading in part as follows:

"On the 16th inst. I had been a resident of the Navajo reservation twenty-five years, married to a Navajo and have two boys finishing their education at Albuquerque, and after the kindness and courtesy extended to me by you and your people and others I could not let

only a slur on the Indian but a most damnable lie. No child or children are sent to nonreservation schools without the consent of the parents and the wish of the child, who often asks for the privilege, and then only after a thorough medical examination."

"This letter contains many other refutations and a photographic copy of it is available for your information."

"There has been considerable publicity about the Indian bureau permitting Pueblo Indians to be

robbed of their lands, suppressing and preventing Indian dances and destroying the religious institutions of the Indians. Permit me to use an apt expression and say that this is 100 per cent pure bunk, gotten out to fool the public and stimulate contributions to a campaign of propaganda by misinformed organizations."

"Commissioner Burke authorized me to quote him as follows:

"I cannot conceive of anything that would do more serious injury to the Indian bureau than the campaign being waged by John Collier, aided by Congressman Frear of Wisconsin. It is causing certain Indians to lose confidence in the government, and attractive inducements are held out that are impossible of accomplishment and if accomplished would in a very short time make them paupers subject to the mercies of their unsympathetic white neighbors to suffer and retrograde."

"I wish that time permitted me to tell you more of the constructive things that are being done for the American Indian by the Indian service and the interior department. I would like to tell you of the remarkable progress being made by the Indians in agriculture and stock raising. Latest statistics show that they own livestock and poultry valued at approximately \$30,000,000. Their livestock consists of 300,000 horses, 161,000 head of cattle, and 867,000 sheep. About 27,500 Indians are farming nearly 610,000 acres of land and nearly 32,000 Indians are using 20,423,762 acres in their stock raising."

"The Indian service is doing wonderful work in probating estates of deceased Indians. Since the passage of the act of June 25, 1910 (36 Stat. L., 858) giving authority to determine the heirs of deceased Indians, the Indian bureau and the interior department have determined the heirs in over 42,000 cases involving lands worth over \$70,000,000, at an average cost to the Indians of about \$30 per case."

"Indian timber is valued at \$130,000,000, which is being sold under the act of June 25, 1910 (36 Stat. L., 857), and is furnishing a substantial income for Indians on a number of reservations. We are also operating 25 government owned saw mills for the purpose of supplying lumber for Indian homes and farms."

"You will be interested to know that the Indians were among the first irrigators in this country; that Congress has appropriated approximately \$33,000,000 for irrigation projects on Indian reservations and there are 1,368,000 acres of land under those projects capable of irrigation, with over 657,000 acres under constructed works and now irrigable."

"Am sorry that we have not time to tell you of the oil development on various Indian reservations. Suffice to say that there were produced on Indian reservations last year 41,907,021 barrels of oil and the Indians received as royalties therefrom \$12,711,296. For detailed information regarding this subject and the general administration of Indian affairs by the government I would refer you to Indian Office Bulletin No. 12, which is available upon request of the Indian office."

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Riverside Exchange Club Honored by Presence of Edgar B. Merritt, Assistant Indian Commissioner

Riverside Exchange club today was host to Edgar B. Merritt, assistant Indian commissioner, of Washington, D. C., who talked on the affairs of the American Indians and their problems.

Representatives of the Chamber of Commerce and other clubs of Riverside were present at the invitation of the Exchange club at the noon-day luncheon at the Glenwood Mission Inn. Mr. Merritt's talk in part follows:

"The Indians in the last 25 years have been steadily increasing in population and are no longer a vanishing race. For example, in 1900 there were 270,544 Indians in the United States and today we have 349,876. The Indians are increasing in population at the rate of about 1,500 per annum, which is the result of the work of the Indian bureau along educational and health lines."

Congressman Frear has repeatedly said that the Indian bureau control is effected by an army of political employes, good, indifferent and sometimes bad. In reply to this Mr. Merritt said:

"The facts are that out of the 4,960 employes in the Indian service, there are only two political employes, namely the Commissioner of Indian Affairs and the Superintendent of the Five Civilized Tribes. The assistant Indian commissioner has been in the government service nearly thirty-three years and more than twenty years in the Indian service and his position can not properly be called a political one. The present commissioner of Indian affairs was selected for that office because of his preeminent qualifications for the position, having spent forty years of his life among the Sioux Indians and served for many years in Congress as a member of the committee on Indian affairs of the house of representatives and later as chairman of that very important committee. No man ever filled the office of commissioner of Indian affairs who was more efficient, better equipped, or more sincerely interested in the Indians than is Commissioner Burke. He is the soul of honesty, honor of fair dealing and deserves the undivided support of the American people in administering the difficult duties of his responsible office. Practically all of the employes in the Indian service are appointed through civil service channels, and approximately 1,700 of these employes are Indians who have been educated in our government Indian schools."

"Mr. Frear says that the Indian agents appoint Indian judges at \$10 per month to carry out the policy of oppression, and that the Indians are without jury, without attorney, without ball and without right of appeal."

The facts are that these Indian judges are among the leading Indians on each reservation. They are selected because of their prominence and the respect with which they are held by the Indians. Any Indian has the right to employ an attorney. Any Indian has a right to appeal from the decision of the Indian court to the superintendent; from the decision of the superintendent to the commissioner of Indian affairs, and from the decision of the commissioner of Indian affairs to the secretary of the Interior. The Indians therefore have three appeals. Few Indians are ever sentenced to jail beyond thirty

days and most sentences are less, and then the jail is used only for sleeping and eating purposes, the Indians being required to work on roads and do other useful tasks on the reservations. The Indian courts are much more lenient than would be the case if the Indians had their trials in either state or Federal courts. These Indian courts are a fine example of the constructive methods of the government in teaching the Indians real self-government."

Riverside club men and club women were interested in Mr. Merritt's explanation of the Lee's Ferry bridge controversy, in which Congressman Frear asserts that the Navajo Indians were robbed of \$100,000. This matter has been discussed here in club circles. Mr. Merritt said:

"In the first place we can say positively that there never was any intention of taking \$100,000 out of the \$116,000 belonging to the Navajo Indians. For 100 miles there is no bridge across the Colorado river, which borders on the Navajo reservation for a long distance. The building of a bridge at Lee's Ferry will open up the western part of the Navajo country, will result in building good roads in that country, and will greatly increase the value of the holdings of the Navajo Indians. Within the last few years oil has been discovered on the Navajo reservation and there is every indication that the Navajo Indians will have a large income from this source and can well afford to pay their share of the construction of the Lee's Ferry bridge. The \$100,000 appropriation for this bridge comes out of the treasury of the United States and the Navajo Indians will not be requested to reimburse this money for several years and after they have ample funds available for that purpose."

"If you will study the map of the state of Arizona you will find that a large part of that state is taken up by Indian reservations and the Indian lands are nontaxable. The state of Arizona loses many thousands of dollars each year because of the nontaxability of these lands. This phase of the matter should be considered in connection with the discussion of the Lee's Ferry bridge reimbursable appropriation, especially when it is understood that under the legislation the state of Arizona will be required to pay for one-half of the cost of the construction of the bridge."

Toucing on the claim by Congressman Frear that Indian children are stolen, under the color of the law, torn from their homes and parents and sent to the schools in Riverside, Albuquerque, Phoenix, and Fort Wingate, Mr. Merritt said:

"You will be amused when I tell you that the Phoenix, Albuquerque, Riverside schools, to which Mr. Frear refers, have been established more than a quarter of a century; established recently to head off any therefore they could not have been

criticism of the Indian service."

Answering his statement in regard to kidnapping Indian children, we can truthfully say that this is not necessary to fill our Indian schools, even if we were disposed to do so, because there is a greater demand for education of Indian children than we have capacity in our Indian schools; also there is a Federal law which prohibits the taking of children from a reservation in one state to a school in another state, without the consent of the parents. (Act June 10, 1896, 29 Stat. 1, 348).

"Answering Mr. Frear's general criticism of our Indian schools, I wish to say that the Indian bureau is conducting one of the most efficient school systems among the Indians to be found anywhere in the United States. Mr. Samuel A. Eliot, a member of the board of Indian commissioners, an advisory board created by Congress and appointed by the president, and in no way connected with the Indian bureau, in speaking of our Indian school system, said:

"I wish I might send my children to an Indian school. There are no finer in the country, public or

private. That may be too broad a statement as to instruction, but in education theory and, in the larger schools, in equipment, none surpasses and few equal them."

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"Mr. Frear, criticizing the health work of the Indian bureau among the Indians, speaks of the 'tales of neglect and wicked concealment of health conditions among the Indians.'"

"In 1910 we were getting an appropriation of \$40,000 annually for health work among the Indians. We have been successful in gradually getting this appropriation increased until last year we received a direct appropriation of \$756,000. We are expending annually from all funds available approximately \$1,200,000 for health work among the Indians. We have 91 hospitals, as compared with five hospitals in 1900. We have 194 physicians, and 132 nurses working among the Indians. Instead of 62 cents per year per capita for each restricted In-

dian for medical work, as misstated by Mr. Frear, we are expending \$5.33 per capita for restricted Indians, which is more than is being expended per capita for health work among the entire population of this country, which amounts to \$5.14 per capita. (See 'Nation's Health,' October, 1925). The \$5.33 per capita does not include the money which the Indians themselves pay for medical work which amounts to many thousands of dollars annually and which materially increases the per capita expenditure for medical service among Indians."

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"In answer to this ridiculous charge we wish to quote from a letter dated Fort Defiance, Arizona, October 30, 1926, signed by Robert Arnold, reading in part as follows:

"On the 16th inst. I had been a resident of the Navajo reservation twenty-five years, married to a Navajo and have two boys finishing their education at Albuquerque, and after the kindness and courtesy extended to me by you and your predecessors and others I could not let such a slander pass as issued by the Honorable James A. Frear of Wisconsin. First, in no way can an Indian be compared to a Russian serf who are one hundred per cent worse off than an Indian—this from personal observation in Russian ports compels me to say an Indian is in Paradise beside a Russian serf. Second, the pathetic condition of Indian children is not

only a slur on the Indian but a most damnable lie. No child or children are sent to nonreservation schools without the consent of the parents and the wish of the child, who often asks for the privilege, and then only after a thorough medical examination."

"This letter contains many other refutations and a photographic copy of it is available for your information."

"There has been considerable publicity about the Indian bureau permitting Pueblo Indians to be

"Commissioner Burke authorized me to quote him as follows:

"I cannot conceive of anything that would do more serious injury to the Indian bureau than the campaign being waged by John Collier, aided by Congressman Frear of Wisconsin. It is causing certain Indians to lose confidence in the government, and attractive inducements are held out that are impossible of accomplishment and if accomplished would in a very short time make them paupers subject to the mercies of their unsympathetic white neighbors to suffer and retrograde."

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"You will be interested to know that the Indians were among the first irrigationists in this country; that Congress has appropriated approximately \$23,000,000 for irrigation projects on Indian reservations and there are 1,368,000 acres of land under those projects capable of irrigation, with over 657,000 acres under constructed works and now irrigable."

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Official Is Honored By Sherman Employees

Assistant Commissioner of Indian Affairs Is Guest
at Dinner; More Than 120
Are Present

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One hundred and twenty employees of Sherman Institute gathered about the banquet table at the school last evening honoring the visit of Edgar B. Merritt, assistant commissioner of Indian affairs. The dinner was climax of a full day's program in Riverside County, during which Merritt Addressed the Exchange Club, inspected the local Indian school and the Soboba reservation at San Jacinto.

The distinguished visitor was introduced to the banqueters by Frank M. Conser, superintendent of Sherman, Institute.

Merritt spoke in high praise of the school, declaring it to be the largest and best conducted of any in the United States. The work being done there, he declared, is a wonderful tribute to the faculty and to the spirit of accomplishment that has been instilled into the government wards. Frank M. Conser, he stated, is one of the best qualified executives available.

The Exchange Club was privileged to hear Merritt at the noon luncheon at the Mission Inn yesterday. The speaker contradicted the statements of Congressman James Frear and John Collier, who, claimed Merritt, have greatly exaggerated in their statements of Indian affairs. The statement that the Indian Bureau is in control of political employes is untrue, stated Merritt, for out of 4960 employes in the Indian service there are only two political offices, the Commissioner of Indian Affairs and the Superintendent of the Five Civilized Tribes. Mr. Merritt himself has been in the government service for thirty-three years, he explained, more than twenty of which were in the Indian Bureau. The officers now in charge of Indian Affairs are highly qualified, have the interests of the Indians at heart and were selected because of their sympathy and ability, he declared.

Explains Bridge Controversy

Explanation of the Lee's Ferry bridge controversy was a point of interest to the Exchange Club. Congressman Frear had claimed that Navajo Indians were robbed of \$100,000 the speaker said.

"In the first place, we can say positively that there never was any intention of taking \$100,000 out of the \$116,000 belonging to the Navajo Indians. For 100 miles there is no bridge across the Colorado river, which borders on the Navajo reservation for a long distance. The building of a bridge at Lee's Ferry will open up the western part of the Navajo country, will result in building good roads in that country, and will greatly increase the value of the holdings of the Navajo Indians. Within the last few years oil has been discovered on

the Navajo reservation and there is every indication that the Navajo Indians will have a large income from this source and can well afford to pay their share of the construction of the Lee's Ferry bridge. The \$100,000 appropriation for this bridge comes out of the treasury of the United States and the Navajo Indians will not be requested to reimburse this money for several years and after they have ample funds available for that purpose.

"If you will study the map of the state of Arizona you will find that a large part of that state is taken up by Indian reservations and the Indian lands are nontaxable. The state of Arizona loses many thousands of dollars each year because of the nontaxability of these lands. This phase of the matter should be considered in connection with the discussion of the Lee's Ferry bridge reimbursable appropriation, especially when it is understood that under the legislation the state of Arizona will be required to pay for one-half of the cost of the construction of the bridge."

The entire speech of Commissioner Merritt was given largely to refutation of published speeches of Congressman Frear on the ill treatment of Indians by government which he characterized as "ridiculous charges."

A handsome tribute to the work of Mrs. H. A. Atwood was paid by the speaker who declared that she is a national figure in Indian affairs. Mrs. Atwood was among the guests at the luncheon.

Mrs. Atwood Replies To Merritt's Address

Prominent Riverside Club Woman Differs With Assistant Commissioner of Indian Affairs as to Statement at Local Meeting

Exception to several statements of Edgar Merritt, assistant commissioner of Indian affairs, is contained in a communication from Mrs. Stella M. Atwood, head of the Division of Indian Welfare of the General Federation of Woman's Clubs.

Merritt's address at the Exchange Club of Riverside Friday was largely given to criticism of speeches made by Congressman Frear and John Collier. Mrs. Atwood writes as follows:

To the Editor of The Enterprise:—
It is not at all necessary for me to rush to the defense of Congressman Frear and Mr. John Collier against the attack made on them by the very delightful Mr. E. B. Merritt, Assistant Commissioner of Indian Affairs. They are eminently capable of taking care of themselves. But there are a number of points in Mr. Merritt's speech which need a bit of elucidation.

To begin with, it seems very strange why the truth of the statements of the two gentlemen in question were not investigated last winter when the statements were made, before the Indian Committee and on the floor of Congress. Mr. Frear and Mr. Collier demanded again and again an opportunity to have a full and complete hearing as to the truth or falsity of the statements, which demand was denied. Feeling very keenly the importance of knowing whether their statements were true or false, I sent a wire to the Chairman of the Committee on Indian Affairs, demanding that these gentlemen bring the proof of their statements before the Committee. Mr. Arthur Bent, Secretary of the Los Angeles Chamber of Commerce, sent a similar telegram; but our request, I understand, was opposed by Commissioner Burke and therefore denied by the Committee. This led me to send another telegram stating that so long as a hearing was refused we were forced to believe the statements true and proceed on that assumption.

Health Situation

One of the first items Mr. Merritt referred to in his speech was the health situation. Of course, he quoted from

figures in the Indian Bureau which are notoriously inaccurate. It is impossible for them to be otherwise, compiled as they are by untrained people on the field. Three years ago the Chief of the Indian Medical Service told me that up to that time since the World War, the Bureau was keeping no vital statistics. A Red Cross nurse reported to me that in one small Indian Village she found in one day two birth and two deaths that had not been reported.

I would have liked to ask Mr. Merritt if the mortality tables of the Federal census did not show the white death rate in the registration area to be less than 12 per 1000 per year, and that the Indian death rate in the registration area is steadily increasing as follows: In 1921, 17.5 per thousand; in 1922, 18.2 per thousand; in 1923, 22.5 per thousand; in 1924, 25.9 per thousand.

Perhaps the increase in population which Mr. Merritt reports may be explained in part by the statement of Mr. Frederick Hodge, for many years Chief of the Bureau of Ethnology in Washington, D. C., who says: "Startling as it may seem, we find included in the total 'Indian' population, 23,405 negroes, or so called freedmen, and 2582 whites by marriage among the Five Civilized tribes of Oklahoma."

Dr. Herbert J. Spinden, Professor of Anthology in Harvard University, states that the futility of the assertion that the Indian population is on the increase is proven by the fact that the figures are swelled by including all who are of one-sixteenth Indian blood.

Knows They're True

Reports come to my desk at frequent intervals, telling of terrible conditions

on the reservations in regard to health; and from first-hand observation, I know they are all too true.

We are surely grateful for every hospital that is put up, and for every nurse placed in the field. The regrettable part is that there is any feeling of resentment toward those who are trying to bring the evil conditions to light with a view to their correction.

It is interesting to note that all bills relating to Indian affairs are submitted to the Indian Bureau and go to the Indian Affairs Committees in Congress either with its endorsement or condemnation.

The bills introduced by Mr. Frear to correct abuses on reservations were not passed, in fact did not even come out of committee, not because of the animosity of Mr. Frear's colleagues, but for the very good and sufficient reason that the Indian Bureau opposed his bills. The Indian Bureau is the only one that arrogates to itself the right to pass on all legislation concerning it.

Last winter there was introduced in Congress a bill that would have legalized the Indian courts on the reservations. Mr. Merritt took occasion to eulogize the Indian judges who are appointed by the superintendent on the reservation, and who get \$10 a month for their services. I thoroughly agree with Mr. Merritt for the most part as to the high character of these Indians; but I have in mind some Indians who were appointed by a certain superintendent, who were not of high character, and who were specifically appointed to serve the ends of that superintendent, who has since served a term in prison. The situation referred to was thoroughly un-American. We questioned the right of the Indian to appeal the decisions of the Indian judges to the superintendent who appoints the judges, to the Commissioner who appoints the superintendent, and on to the Secretary of the Interior who designates the Commissioner. What we have contended and what we do contend is that the first American born on American soil and who has been made a citizen of this great republic, should have the right to appeal to the civil courts; the right to due process of law. In other words, that our Indians should have the fundamental human rights of every other American citizen.

The General Federation of Womens Clubs has put itself squarely on record as opposing any abrogation of the constitutional rights of the Indians.

Paul Moore Episode

In the Paul Moore episode to which

Mr. Merritt so feelingly referred, Mr. Merritt missed the point entirely. None of us is weeping over Paul Moore. He deserved all and more than he got, I haven't a doubt. In passing, I will state that Governor Blaine of Wisconsin first wired President Coolidge of the incident. The point is that no matter how heinous the crime he commits, every American citizen should have the right of a trial by a jury of his peers, and the right of appeal to other courts.

The Navajo bridge was an item cleverly tied up with the deficiency bill of some \$425,000,000. For ten days it was fought on the floor of the Senate, by such eminent men as Senator Lenroot, Senator Cameron of Arizona and Senator Bratton of New Mexico. When it passed it was no discredit to Mr. Frear, as Mr. Merritt intimated, but had to go through as part of the deficiency bill. The senators who fought the item denounced it in no uncertain terms, and whether the first intention was to use the \$100,000 of the Navajo's money which was the fruit of their oil royalties, or to make it a charge against the future may be a question which is not for me to answer. However, these Indians are American citizens. It was their money, and it was being used against their protest as being not for their benefit. Now, I submit that as a citizen, if one of our children had their property either used or hypothecated in such a way by a guardian, the guardian's action would be subject to a review of the courts.

In the Hearings on the bill it was brought out that only ten Navajos crossed the river at Lee's Ferry last year, and there was a perfectly good ferry on which to cross. The bridge will be used almost wholly by tourists from all over the United States, and it should be a straight appropriation from the Federal treasury.

Refer To Oil Bill

The so-called oil bill was referred to by Mr. Merritt. The bill in its original form I consider one of the worst bills that has come before Congress since I have been in this work. More far-reaching in its results than the vicious Bursom bill, it would have opened some 22,000,000 acres of land for exploitation. Secretary Fall, with his well-known generosity with our national resources, gave as his opinion that the Executive Order reservations were simply loaned the Indians for their temporary use. The Indian Rights Association became alarmed at the dark portent of this decision and, through the President, got

an opinion from Attorney General Stone who, in an exhaustive review of the law, reversed the opinion of Mr. Fall. When the Committee of One Hundred met they passed a resolution to the effect that a law should be immediately passed confirming the title of the Indian to the Executive Order reservation. Conceive of our dismay when we found this bill, indorsed by the Indian Bureau, would, in effect, confirm Mr. Fall's opinion. As Mr. Merritt said, the bill provided for 37½ per cent of the Indians' royalty to be paid to the state; but he did not say that no provision was made in the bill for the payment to the state by the white producers. A special provision must be made to that effect, so long as the oil is found on a reservation. Our contention was that the Indian royalties and the white man's royalties should be taxed exactly alike, with no stipulation as to how the money should be spent.

Senator Ashurst, whose state would have been affected the most, said the bill in its original form was a public disgrace. The bill was finally revised and passed in a satisfactory form; but through some misapprehension, President Coolidge vetoed it.

I have stated in these columns before that the President's opinion which he sent me, and in a personal letter from Senator Borah it was admitted that the interests of the Indians were protected in every particular in the bill as it passed Congress.

Regarding School Children

The matter of the Indian children being taken from their parents to non-reservation schools has been the subject of some heated discussion; but Sherman Institute has never been involved in the controversy. Through the agitation that has been brought about by various organizations, that policy may have been abandoned. Leo Crane, who was superintendent among the Hopis, in his book "Indians of the Enchanted Desert," tells frankly of carrying children away from their homes against the protest of their parents. In searching for the children who were hidden in out of the way places, he found one father with an axe in his hand ready to make a vigorous protest, but the employes took away the axe from the man and removed the children. I do not say but what the children in that case were not better off, but I do say that children have been forcibly taken away from their homes in the past. A year ago when I was out on one of the reservations, one of the older chiefs came to me in great

distress, asking me to interfere and help to keep the children from being forcibly taken from their families.

Three years ago a young teacher on a certain reservation told me that the year I was there on this reservation, was the first year the employes had not found it necessary to surround one of the villages in the night and take the children shrieking from their parents. Only last August one of the prominent women of Gallup, New Mexico, told me she cried for twenty-four hours straight, when the little Indian children were brought in to the big hall near her waiting to be sent to the schools, where she could hear their homesick cries.

Perhaps now that they have a school started at Fort Wingate near Gallup, that situation will be bettered, for that is right in the middle of the Navajo country.

The program as outlined by our Division of Indian Welfare G. F. W. C., seems to me so simple and right.

We want the Indians to have their rights as American citizens.

1. Under the constitution.

2. To the public school system, with the first eight grades on the reservation, with trained teachers, so that the homes may be improved, turning the non-reservation schools into industrial high schools.

3. To the activities of the Agricultural Department, the Indian problem being essentially a rural one.

4. To the public health service in conjunction with the state, and

5. Where the Indians are incompetent, they should be made wards of the Federal courts.

I hope my readers will be as interested as I am in comparing these two points of view. All that is needed is to have the truth put before our public and they will do the rest.

STELLA M. ATWOOD.

INDIAN AGENT FLINGS DEFI AT CRITICS OF U. S. SERVICE

Aborigine Never So Well
Cared for by Government,
Forum Is Told

Congressman Frear Dupe or
Tool of Propagandists,
Is Charge

That Congressman James A. Frear of Wisconsin, who makes colorful charges against administration of Indian affairs in the United States, is a tool or reckless ally of "certain agitators and propagandists on payrolls of well-meaning but misinformed organizations" is the answer of Edgar B. Merritt, assistant commissioner of the Bureau of Indian Affairs, to recent California utterances of Frear. Merritt was the guest of the Oakland Forum at a meeting in the Hotel Oakland yesterday and replied at length to charges made by Frear at a recent meeting of the Forum.

Nearly Uses the Short
And Ugly Word

He politely skirted branding Frear and executives of the American Indian Defense Association plainly as liars but went so far as to recommend that their charges be investigated with the purpose of branding them "malicious perverters of the truth."

Opening his talk at the Forum he stated concerning Frear:

"He came in contact with James Collier, a representative of the American Indian Defense Association, and they have co-operated very closely ever since in making various exaggerated statements and absurd charges regarding Indian affairs."

Pays His Compliments
To Publicity Agent

Concerning Collier he noted:

"Mr. Collier is a genius when it comes to getting publicity. It is unfortunate that Mr. Collier is not using his fine talent in a more worthy way."

Most of Merritt's talk consisted of detailed replies to various charges made by Congressman Frear and by Collier through Frear, but he concluded with a group of statements concerning the general condition of American Indians today as follows:

"The American Indians have today more property and this property is more valuable than ever before. The total Indian property is estimated to be worth over one billion, six hundred and fifty millions of dollars."

U. S. Gives More Money
Than Ever Before

"The Federal Congress has in recent years appropriated more money for the Indians than ever before."

(Continued on Page 3, Column 8.)

DEFIES CRITICS

"We challenge our critics to prove a single one of these fifteen propositions to be incorrect. If they are correct, and we can prove them so, then what basis or justification is there for the wild, erroneous and misleading speeches and publicity indulged in by our critics except to get a little personal publicity and keep certain agitators and propagandists on payrolls of well-meaning but misinformed organizations."

"We appeal to the citizens of the West and to the country at large to give a square deal to the Indians of this country and to the loyal and faithful work the thousands of good men and women in the Indian service, who are devoting their lives to the conscientious and loving service in educating and civilizing a despondent people. We ask that hereafter you apply the acid test to truth of speeches, publicity and propaganda of all kinds and character relating to the American Indian, and all those, whoever they may be, who depart from the truth be branded openly and publicly, as they deserve to be, as malicious perverters of the truth."

Agents To Congress

(Continued from Page 1, Column 3.)
Those annual appropriations amount to more than twelve million dollars.

"There are more Indians who are supporting themselves and their families by their own labor than ever before in the history of our country. There are, for example, 59,000 Indian farmers and stock raisers.

"There are more Indian children in school, both Government and public, than ever before. In fact there are more Indian children in school than there are white children in proportion to population, there being practically 80 per cent of all eligible Indian children of school age now in school. Over 71,000 Indian children are now in school, or about 80 per cent.

There are more Indians speaking the English language than ever before.

"There are more Indians affiliated with churches of all denominations than ever before, there being 400 Protestant and 200 Catholic missionaries in the Indian field with approximately 48,000 Indians affiliated with the Protestant churches and 60,000 Indians with Catholic churches.

"There are more Indians living in sanitary and well furnished homes than ever before.

INDIAN IS RICH

"The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world; for example, the per capita wealth of all countries involved in the World war was approximately \$800; the per capita wealth of the people of the United States is less than \$2500; and the per capita wealth of the American Indian is approximately \$4700.

"The Government is furnishing the Indians more doctors, more nurses, and more hospitals than ever before, ninety-one hospitals, 194 doctors and 132 nurses.

"The Indians are increasing in population at the rate of 1500 per year and the death rate has been reduced by more than 25 per cent during the last fifteen years. The death rate among the Indians is now 22 per thousand per year.

"Never before in the history of our Government have the property rights of the Indians been more carefully protected, his children better educated, his health more carefully guarded, and his religious, moral, and material interests better fostered and served than they are today.

NOW ALL CITIZENS

"The American Indians are now all citizens, and have more political rights and personal freedom than ever before; are permitted to go and come whenever and wherever they may choose, and have the privilege of working out their own destiny along whatever lines they may desire. Their degree of success is limited only by their own vision, ambition, character and energy.

"The treaty obligations of the Government with the Indians were never more carefully respected and carried out in letter and in spirit than they are today by our Government.

"The United States Congress, during the last five years, has passed more jurisdictional bills permitting Indians to sue the Government on alleged claims in the Court of Claims, with the right of appeal to the United States Supreme Court, than ever before in a similar period in the history of our Government.

"The American Indians are today enjoying the greatest degree of prosperity and have more of the comforts of modern civilization than ever before in the history of our Government.

DEFIES HIS CRITICS

"We challenge our critics to prove a single one of these fifteen propositions to be incorrect. If they are correct, and we can prove them so, then what basis or justification is there for the wild, erroneous and misleading speeches and publicity indulged in by our critics except to get a little personal publicity and keep certain agitators and propagandists on payrolls of well-meaning but misinformed organizations.

"We appeal to the citizens of the West and to the country at large to give a square deal to the Indians of this country and to the loyal and faithful work the thousands of good men and women in the Indian service, who are devoting their lives to the conscientious and loving service in educating and civilizing a despondent people. We ask that hereafter you apply the acid test to truth of speeches, publicity and propaganda of all kinds and character relating to the American Indian, and all those, whoever they may be, who depart from the truth be branded openly and publicly, as they deserve to be, as malicious perverters of the truth."

BUREAU HEAD FOR INDIANS TO BE FETED

Edgar B. Meritt of Washington
Will Be Guest of Oakland
Forum at a Luncheon Here

Mrs. Victor H. Metcalf announces that a group of more than 300 prominent East Bay citizens are anticipating the appearance on Wednesday of the Hon. Edgar B. Meritt, assistant commissioner of the Bureau of Indian Affairs, Washington, D. C., at a luncheon being given at the Hotel Oakland by the Oakland Forum.

Meritt is being sent to the Oakland Forum by the Department of the Interior at Washington to reply to a speech made by Congressman James A. Frear before the Forum October 20.

The Forum has invited as special guests representatives of the Indian Defense Association, San Francisco Branch; also officials of the Commonwealth Club, as well as distinguished professors of the University of California who are interested in the American Indian.

Groups of foremost citizens representing professional and business men, civic leaders in educational organization, as well as club life, will be represented in the large group attending the luncheon, which will take place in the Ivory Ballroom of the hotel at 12 o'clock noon.

At the speakers' table will be seated the president of the Forum, Miss Annie Florence Brown; the guest of honor and speaker of the day, Honorable Edgar B. Meritt; Mr. and Mrs. Victor H. Metcalf; Mr. and Mrs. Joseph R. Knowland; Mr. and Mrs. Edward Vandeventer; Mayor and Mrs. Frank Stringham; Chauncey Goodrich, president of the Indian Defense Association of San Francisco; Robert C. Sproul, vice-president of the University of California, and Mrs. Sproul; Max Thelen, president of the Commonwealth Club of San Francisco, and Mrs. Thelen; Professor D. N. Lehmer of the University of California, and Mrs. Lehmer; Robert N. Fitzgerald, William Drew, Mrs. Anna Saylor, Wickham Havens, Edward M. Walsh, Edward W. Engs, Mrs. Guy C. Earl, William Cavalier, Mrs. Frank Edoff, Mr. and Mrs. Harmon Bell.

Among those entertaining groups are: Mrs. Hayward G. Thomas, Dr. and Mrs. George C. Pardee, Mrs. W. G. Palmanteer, Mrs. Leon Bocqueraz, Mrs. Thomas Crellin, Mrs. Claud Gatch, Mrs. J. T. Wright, Mrs. Edward von Adelung, Mr. and Mrs. Duncan McDuffie, Miss Matilda Brown, Mr. and Mrs. A. S. Lavenson, Mr. and Mrs. Charles Leonard Smith, Mr. and Mrs. H. C. Capwell, Mrs. H. J. Knowles, Dr. and Mrs. Mark L. Emerson, Judge and Mrs. Charles E. Snook, Mr. and Mrs. Samuel Hubbard, Mr. and Mrs. Wickham Havens, Mr. and Mrs. C. J. Struble, Miss Eva Powell, Mrs. George P. Costigan, Mr. and Mrs. Thomas Mitchell Potter, Mrs. William G. Ferguson, Mr. and Mrs. Frederick P. Cutting, Mrs. Ambrose Hood, Dr. and Mrs. George Rothganger, Mrs. Warren S. Palmer, Mrs. Paul C. Skinner, Mrs. H. D. Hadenfeldt, Mr. and Mrs. Charles Hubbard, Mr. and Mrs. Harry East Miller, Miss Mabel J. Moller, Mrs. Wallace M. Alexander, Mrs. Guy C. Earl, Mrs. Harry C. Roberts, Mrs. W. W. Robson, Mr. and Mrs. Harvey E. Chandler, Miss Theresa Rousseau, Miss Jane Rawlings, Mrs. F. C. Turner, Mrs. Wm. Cavalier, Mrs. Fred Magee, Mrs. Walter J. Scott, Mr. and Mrs. Edward Walsh and Mrs. Harriet W. Meek.

ALAMEDA, CALIF.
TIMES - STAR
DECEMBER 2, 1926

Edgar B. Meritt Is Speaker Before Oakland Forum

Denies Frear Statements
On Condition of Indians
of United States

Edgar B. Meritt, assistant United States Indian Commissioner, in an address before the Oakland Forum yesterday attacked statements made by Congressman James Frear of Wisconsin and John Collier of the Indian Defense Association, in which the two stated that American Indians are a persecuted race.

Meritt maintained that the Indians are not the "fast disappearing race" they are often pictured to be and that their wealth per capita is more than any other race in the world.

"The Indians are increasing in population at the rate of about 1500 per annum, the result of the work of the Indian Bureau along educational and health lines," Meritt asserted.

"Reports show that the Indians own live stock and poultry valued at \$30,000,000. Royalties they received last year from oil produced on their reservations amounted to \$12,711,296. The per capita wealth of the American Indian is \$4700, nearly twice as much as that of the other citizens of their country," he said.

The Indian Defense Association is on a campaign in behalf of the Indians have charged that the natives have been defrauded of much of their rightful holdings.

DECEMBER 2, 1926

CONDITION OF U. S. INDIANS HELD BETTER

367
Official Denies Charges of Mis-
treatment of 'First Citizens'
at Hands of Federal Bureau

The American Indian is no longer a member of a vanishing race. The death rate among Indians in this country is decreasing and the birth rate steadily increasing. More education, increased health facilities,



Edgar B. Meritt.

more prosperity are being accorded the first American citizen than ever before.

This, according to Edgar B. Meritt, assistant United States commissioner of Indian affairs, who spoke yesterday at a luncheon meeting of the Oakland Forum at Hotel Oakland in direct reply to an address made in October before

the organization by Congressman James A. Frear of Wisconsin.

Representative Frear, as a member of the Indian affairs committee of the House, at that time uttered a scathing indictment of the bureau and its administrators in the form of interrogatories.

QUESTIONS ASKED.

Four of these questions yesterday were asked of Meritt, as spokesman for Charles H. Burke, commissioner of Indian affairs at Washington, following the address. They were as follows:

1. Do the mortality tables of the Federal census show that the white death rate in the registration area is below 12 per 1,000 per year, and that the Indian death rate in the registration areas is steadily increasing as follows? In 1921, 17.5 per thousand; in 1922, 19.2 per thousand; in 1923, 22.5 per thousand; in 1924, 25.9 per thousand.

2. Has the bridge over the Gila River near Sacaton, Arizona, costing more than a third of a million dollars, been charged reimbursably against the Pima Indians?

ON DANCING LIMIT.

3. Did Charles H. Burke issue an order to those in charge that Indian dances be limited to one dance a month, in the daytime, with the exception of three summer months when no dances at all be permitted—and that such dances be limited to those over 50 years of age?

4. Did the Bureau in 1926 oppose the Wheeler-Frear bill which gave to Indians a court hearing before their wills could be invalidated by the bureau? Did the bureau in 1926 oppose the Wheeler-Frear bill which required appraisal, public advertisement, and competitive bidding in the sale and lease of Indian land?

BIRTH RATE HELD GAINING.

In reply to No. 1, Meritt said that no provision had been made by the bureau of statistics in Washington, D. C., to record accurately the figures of Indian mortality rates and that the bureau of Indian affairs was in a better position to judge such figures—to wit: That the birth rate is steadily increasing and the death rate decreasing.

2. In regard to No. 2 of the questionnaire Meritt replied that, "No living Indian will be charged a cent of the money put into the bridge in question—but his heirs will be required to reimburse the government." And added: "Any business man in the United States today would be glad to take advantage of such an offer."

ON DANCING.

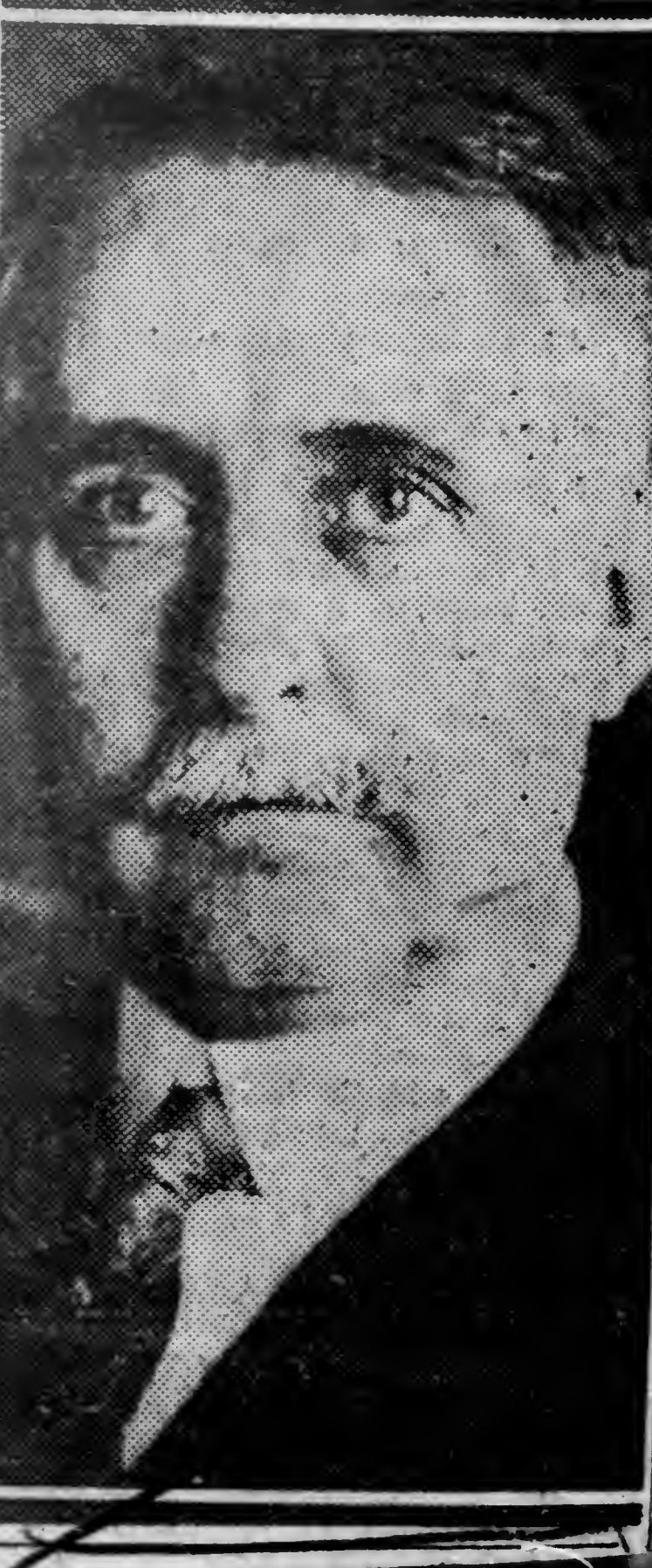
3. "Perhaps Mr. Collier is correct in regard to his statement about the prohibition of dances as issued by Mr. Burke, but his interpretation is wrong. We want the American Indian to become a worth-while American citizen. We do not want to interfere with his religion. But we want him to become self-supporting. What would happen to your business if you were to go away and leave it all summer? The Indians do not stick to their original ceremonial dances—they merely dance the old-fashioned dances and become shiftless and irresponsible. They go from tribe to tribe and dance all summer long. Of course we are trying to correct that sort of thing."

4. In reply to this question, Meritt replied that the bureau does not pay any particular attention to it because it considers the question was framed by a group of persons who knew nothing whatever about the conditions in question, and that the bureau of Indian affairs at Washington is in a better position to judge its merits than the persons who framed the bill.

In accordance with their policy of not endorsing any side of a question, the Oakland Forum, Miss Annie Florence Brown, president, welcomed the opportunity of having both sides of the subject in question presented.

Mrs. Victor Metcalf was chairman of arrangements.

Defends Bureau
EDGAR B. MERITT, assistant commissioner of Indian affairs in Washington, who replied in Oakland today to attacks of Congressman James Frear upon the Indian bureau.



Indian court to the superintendent, from the decision of the superintendent to the commissioner of Indian Affairs, and from the commissioner of Indian Affairs to the secretary of the Interior. The Indians therefore have three appeals. Few Indians ever sentenced to jail beyond days and most sentences are then the jail is used only sleeping and eating purposes. Indians being required to work roads and do other useful on the reservations. The courts are much more lenient would be the case if the Indians had their trials in either state federal courts. These Indians are a fine example of the constructive methods of the government teaching the Indians real government.

"Mr. Frear said: 'From prospects the bureau will not its job or its control of the property of the Indian hundreds of years to come Indians live that long.'

"The facts are that the jurisdiction of the Indian bureau has relinquished over approximately one-third of the Indians of United States during the last years. Any Indian who can state his competency can be patent in fee to his land entirely free from restriction

U. S. OFFICIAL HERE DENIES INDIAN ABUSE

Charges of Congressman
Frear Are Answered by
Assistant Commissioner
at Oakland Forum Lunch

Tribesmen Are Healthier,
Wealthier, Better Cared
for Than Ever Before, Says
Speaker, Citing Statistics

Declaring that statements made in an attack against the Indian Bureau and its administration by Congressman James A. Frear before the Oakland Forum, October 20, were a mass of misrepresentation and half truths, Edgar B. Meritt, assistant commissioner of Indian affairs, spoke before that body today in refutation of Frear's charges. The Indians today are of the most prosperous people in the nation, stated the speaker, who also declared that John Collier, national executive secretary of the Indian Defense association, influenced Frear in much of his activity.

"There has been so much misrepresentation and so many misstatements regarding the government's handling of Indian affairs, that it seems appropriate to give of to the public some accurate information regarding this important subject—information that can be substantiated by the records of the government at Washington," declared Meritt.

"In recent addresses in several Western States, Congressman Frear has made many misleading statements regarding Indian affairs; in fact his addresses consisted mostly of misinformation and half-truths, which are wholly misleading to those who are not informed on the Indian question. Mr. Frear advised his audiences in the West that for fourteen years he had served on various committees in the House of Representatives, including the ways and means committee, and that about a year ago he was assigned to the House Indian committee. Ever since that assignment the Indian service has been subjected to his unwarranted criticisms. Mr. Frear has told his audiences that he had practically no Indians in his district, and few Indians in his State. It is within the bounds of truth to say that he knew but little about the Indian problem prior to his assignment to the Indian committee one year ago. Soon after this assignment to the Indian committee he came in contact with Mr. John Collier, a representative of the American Indian Defense association, and they have cooperated very closely ever since in making various exaggerated statements and absurd charges regarding Indian affairs. With the assistance of Mr. Collier, Congressman Frear almost immediately upon his assignment to the Indian committee, began to introduce bills and make speeches regarding the Indian question, notwithstanding his lack of information upon the subject, but not one of the Indian bills introduced by Mr. Frear has been passed by Congress.

**RECKLESS HANDLING
OF TRUTH CHARGED**

"In making this preliminary statement we wish it understood that we have no criticism to offer regarding Mr. Frear as a man. We might well use the language that Shakespeare placed in the mouth of Mark Anthony when he referred to Brutus as 'an honorable man,' and we might also include John Collier in this category, and call them both 'honorable men,' but we do criticize the reckless handling of truth by both of them, and the misleading and absurd statements that both are making in speeches and in publicity furnished to the press. We want to pay Mr. Collier the compliment of saying that he is a genius when it comes to getting publicity. It is unfortunate that Mr. Collier is not using this fine talent in a more worthy way. When you read the speeches placed in the Congressional Record by Mr. Frear, largely under 'leave to print,' we want you to bear in mind the working combination which is in existence between Messrs. Frear and Collier, and remember also the language contained in the Good Book, 'The voice is Jacob's voice, but the hands are the hands of Esau.'

"Now let us refer specifically to some of the many misrepresentations made by Mr. Frear about Indian matters. We have not time to answer all of them, but the following will suffice to show the utter unreliability of certain alleged information that he has been giving to the public.

**STATEMENT ON DEATH
RATE IS DENIED**

"Mr. Frear said: 'The heavy death loss has been neglected so that today the Indians are only skeleton tribes.'

"The truth of the matter is that the Indians in the last 25 years have been steadily increasing in population and are no longer a vanishing race. For example, in 1900 there were 270,544 Indians in the United States and today we have 349,876. The Indians are increasing in population at the rate of about 1500 per annum, which is the result of the work of the Indian Bureau along educational and health lines.

"Mr. Frear said: Indian Bureau control is effected by an army of political employees, good, indifferent and sometimes bad."

"The facts are that out of the 50 employees in the Indian service

Denied Here by U. S. Bureau Charging Misstatements to Congressman

ance of the representatives and senators in congress from the states of Arizona and New Mexico. "Mr. Frear stated before the Commonwealth club: 'Nearly one-half million dollars have been spent from the funds of one Indian tribe whose death rate is five times that of San Francisco, against their will, and in spite of the fact that not one person in a hundred who uses the bridge that this money has been spent for, is an Indian.'

"This is one of the most ridiculous and absurd of the many statements that Mr. Frear has made regarding Indian affairs. 'The bridge' to which Mr. Frear refers happens to be a diversion dam with a bridge superstructure. This dam was built for the purpose of diverting water from the Gila river to arid lands belonging to the Pima Indians, one of the most deserving Indians in the United States, who have waited long for water for their lands. More than fifteen hundred Indians live across the Gila river from the Pima agency and without the dam and bridge in question it was impossible for them for weeks at a time to reach the Indian agency at Sacaton.

**FIGURES CITED ON
TRIBAL DEATHS**

"The statement that the death rate of the Pima Indians is five times as great as that of San Francisco is without foundation in fact. We have explained and contradicted this death rate story about Pima Indians to congressional committees of both the house and senate, and Mr. Frear should be familiar with the facts; yet knowing the facts he continues to repeat this misleading statement. As a matter of fact, during the last year, out of a total of 4290 Pima Indians, there were eighty-seven deaths, or approximately twenty per thousand.

"Mr. Frear disapproves of our Indian school system and says: 'Smarting under the criticism of its neglect of Indian education, the Indian office has established show places at Albuquerque, Phoenix, Riverside, Fort Wingate and elsewhere.'

"He also says: 'The greatest wholesale crime perpetrated in any country is this policy of stealing children, under color of law, and tearing them from their homes and parents.'

"The Phoenix, Albuquerque and Riverside schools, to which Mr. Frear refers, have been established for more than a quarter of a century; therefore, they could not have been established recently to head off any criticism of the Indian service.

"Answering his statement in re-

gard to kidnapping Indian children, we can truthfully say that this is not necessary to fill our Indian schools, even if we were disposed to do so, because there is a greater demand for education of Indian children than we have capacity in our Indian schools; also, there is a federal law which prohibits the taking of children from a reservation in one state to a school in another state, without the consent of the parents.

"Mr. Frear, criticizing the health work of the Indian bureau among the Indians, speaks of the 'tales of neglect and wicked concealment of health conditions among the Indians.'

"In 1910 we were getting an appropriation of \$40,000 annually for health work among the Indians. We have been successful in gradually getting this appropriation increased until last year we received a direct appropriation of \$756,000. We are expending annually from all funds available approximately \$1,200,000 for health work among the Indians. We have 91 hospitals, as compared with five hospitals in 1900. We have 194 physicians and 132 nurses working among the Indians. Instead of sixty-two cents per year per capita for each restricted Indian for medical work, as misstated by Frear, we are expending \$5.33 per capita for restricted Indians, which is more than is being expended per capita for health work among the entire population of this country, which amounts to \$5.14 per capita. The \$5.33 per capita does not include the money which the Indians themselves pay for medical work which amounts to many thousand dollars annually and which materially increases the per capita expenditures for medical service among Indians.

**RELIGIOUS SUPPRESSION
IS CALLED BUNK**

"There has been considerable publicity about the Indian bureau permitting Pueblo Indians to be robbed of their lands, suppressing and preventing Indian dances and destroying the religious institutions of Indians. Permit me to use an apt expression and say that this is 100 per cent pure bunk, gotten out to fool the public and stimulate contributions to a campaign of propaganda by misinformed organizations.

"Commissioner Burke authorized me to quote him as follows:

"I cannot conceive of anything that would do more serious injury to the Indians than the campaign being waged by John Collier, aided by Congressman Frear of Wisconsin. It is causing certain Indians to lose confidence in the government, and attractive inducements are held out that are impossible of accomplishment and if accomplished would in a very short time make of them paupers subject to the mercies of their unsympathetic white neighbors to suffer and retrograde."

"Included in the constructive prosperity of the Indian I can say that latest statistics show that they own livestock and poultry valued at approximately thirty million dollars. Their livestock consists of 399,000 horses, 361,000 head of cattle and 867,000 sheep. About 27,500 Indians are farming nearly 610,000 acres of land and nearly 32,000 Indians are using 20,423,762 acres in their stock raising.

"Indian timber is valued at \$130,000,000, and is furnishing a substantial income for Indians on a number of reservations. We are also operating 25 government owned saw mills for the purpose of supplying lumber for Indian homes and farms.

"Congress has appropriated approximately \$33,000,000 for irrigation projects on Indian reservations and there are 1,368,000 acres of land under these projects of irrigation, with over 657,000 acres under constructed works and now irrigable.

**OIL PROVIDES
12,711,296 ROYALTY.**

"There were produced on Indian reservations last year 41,907,021 barrels of oil and the Indians received royalties therefrom of \$12,711,296.

"Notwithstanding the splendid showing made we hope to make even greater progress in the future than we have in the past. We need more money for schools; more money for health work, and more money for industrial work among the Indians. We believe that the showing herein made is a record of which we may well be proud. No dependent people in the history of the world has made more rapid progress during the last twenty-five years than the American Indian and no government during that time has been more generous and more faithful to its trust than has our government toward the American Indian. "Having pointed out to you the many grossly misleading statements made by Mr. Frear, and having endeavored to explain to you some of the constructive things now being done by our government, I bring to your attention the following constructive propositions, the truth of which cannot be controverted.

"American Indians have today more property and this property is more valuable than ever before. The total Indian property is estimated to be worth over one billion, six hundred and fifty millions of dollars.

"The federal congress has in recent years appropriated more money for the Indians than ever before. These annual appropriations amount to more than twelve million dollars.

"There are more Indians who are supporting themselves and their families by their own labor than ever before in the history of our country.

"There are more Indian children in school, both Government and public, than ever before. In fact there are more Indian children in schools than there are white children in school in proportion to population, there being practically 80 per cent of all eligible Indian children of school age now in school

lated with churches of all denominations than ever before, there being 400 Protestant and 200 Catholic missionaries in the Indian field, with approximately 48,000 Indians affiliated with Protestant churches and 60,000 Indians with Catholic churches.

"There are more Indians living in sanitary and well-furnished homes than ever before.

**WEALTH TWICE
OTHER CITIZENS**

"The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world.

"The government is furnishing the Indians more doctors, more nurses and more hospitals than ever before—91 hospitals, 194 doctors and 132 nurses.

"The Indians are increasing in population at the rate of about 1500 per year, and the death rate has been reduced by more than 25 per cent during the last fifteen years. The death rate among the Indians is now 22 per thousand per year.

"Never before in the history of our government have the property rights of the Indians been more carefully protected, his children better educated, his health more carefully guarded, and his religious, moral and material interests better fostered and served than they are today.

"The American Indians are now all citizens, and have more political rights and personal freedom than ever before; are permitted to go and come whenever and wherever they may choose, and have the privilege of working out their own destiny along whatever lines they may desire. Their degree of success is limited only by their own vision, ambition, character and energy.

"The treaty obligations of the government with the Indians were never more carefully respected and carried out in letter and in spirit than they are today by our government.

"The United States congress, during the last five years, has passed more jurisdictional bills

permitting Indians to sue the government on alleged claims in the court of claims, with the right of appeal to the United States supreme court, than ever before in a similar period in the history of our government.

"The American Indians are today enjoying the greatest degree of prosperity and have more of the comforts of modern civilization than ever before in the history of our government."

Indians Is Denied Here by U. S. Bureau Official Charging Misstatements to Congressman

(Continued From Page 1.)

ice there are only two political appointees, namely the commissioner of Indian affairs and the superintendent of the five civilized tribes. "Practically all of the employees in the Indian service are appointed through civil service channels, and approximately 1700 of these employees are Indians who have been educated in our government Indian schools. Mr. Frear's army of political employees dwindles to two out of nearly 5000 when the facts are known.

"Mr. Frear says that the Indian agents appoint Indian judges at \$10 per month to carry out the policy of oppression, and that the Indians are without jury, without attorney, without bail and without right of appeal.

THREE APPEALS ARE LISTED.

"The facts are that these Indian judges are among the leading Indians on each reservation. They are selected because of their prominence and the respect with which they are held by the Indians. Any Indian has the right to employ an attorney. Any Indian has a right to appeal from the decision of the Indian court to the superintendent; from the decision of the superintendent to the commissioner of Indian Affairs, and from the decision of the commissioner of Indian Affairs to the secretary of the interior. The Indians therefore have three appeals. Few Indians are ever sentenced to jail beyond 30 days and most sentences are less, and then the jail is used only for sleeping and eating purposes, the Indians being required to work on roads and do other useful tasks on the reservations. The Indian courts are much more lenient than would be the case if the Indians had their trials in either state or federal courts. These Indian courts are a fine example of the constructive methods of the government in teaching the Indians real self-government.

"Mr. Frear said: 'From present prospects the bureau will not lose its job or its control of the person and property of the Indians for hundreds of years to come if the Indians live that long.'

"The facts are that the jurisdiction of the Indian bureau has been relinquished over approximately one-third of the Indians of the United States during the last 20 years. Any Indian who can demonstrate his competency can have a patent in fee to his land and be entirely free from restrictions of

every kind and character whatsoever.

INDIANS APPEAR BEFORE CONGRESS.

"Mr. Frear said: 'No Indian is called before the congressional committees by the bureau.'

"The Indian office does not control who shall appear before committees of congress, but the Indian Bureau has, upon the request of the committees of congress, brought to Washington Indians for the purpose of testifying before congressional committees. The records of the Indian committees of congress will show that quite a number of Indians are appearing before the Indian committees of both the house and senate. During the last session not less than fifty Indians appeared before the house and senate Indian committees.

"This is a fair example of the erroneous and unfair statements that Mr. Frear is constantly making about Indian affairs.

"Referring to the appropriation for the Lees Ferry bridge, Congressman Frear said: 'This legalized robbery of the Navajo Indians of \$100,000 was made possible by the aid of Commissioner Burke and Secretary Work.'

NEVER INTENTION TO TAKE \$100,000.

"In the first place we can say positively that there never was any intention of taking \$100,000 out of the \$116,000 belonging to the Navajo Indians. For one hundred miles there is no bridge across the Colorado river, which borders on the Navajo reservation for a long distance. The \$100,000 appropriation for this bridge comes out of the treasury of the United States and the Navajo Indians will not be requested to reimburse this money for many years and after they have ample funds available for that purpose.

"Mr. Frear refers to the \$700,000 reimbursable appropriation in recent years for the Navajo Indians, but he studiously refrains from telling his audiences that there has been obtained for the Navajo Indians during the last ten years approximately ten million dollars of gratuity appropriations for educational, industrial and medical purposes largely through the efforts of the Indian service, the interior department, and with the cordial cooperation and assistance

of the representatives and senators in congress from the states of Arizona and New Mexico.

"Mr. Frear stated before the Commonwealth club: 'Nearly one-half million dollars have been spent from the funds of one Indian tribe whose death rate is five times that of San Francisco, against their will, and in spite of the fact that not one person in a hundred who uses the bridge that this money has been spent for, is an Indian.'

"This is one of the most ridiculous and absurd of the many statements that Mr. Frear has made regarding Indian affairs. 'The bridge' to which Mr. Frear refers happens to be a diversion dam with a bridge superstructure. This dam was built for the purpose of diverting water from the Gila river to arid lands belonging to the Pima Indians, some of the most deserving Indians in the United States, who have waited long for water for their lands. More than fifteen hundred Indians live across the Gila river from the Pima agency and without the dam and bridge in question it was impossible for them for weeks at a time to reach the Indian agency at Sacaton.

FIGURES CITED ON TRIBAL DEATHS

"The statement that the death rate of the Pima Indians is five times as great as that of San Francisco is without foundation in fact. We have explained and contradicted this death rate story about Pima Indians to congressional committees of both the house and senate, and Mr. Frear should be familiar with the facts, yet knowing the facts he continues to repeat this misleading statement. As a matter of fact, during the last year, out of a total of 4290 Pima Indians, there were eighty-seven deaths, or approximately twenty per thousand.

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"The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world.

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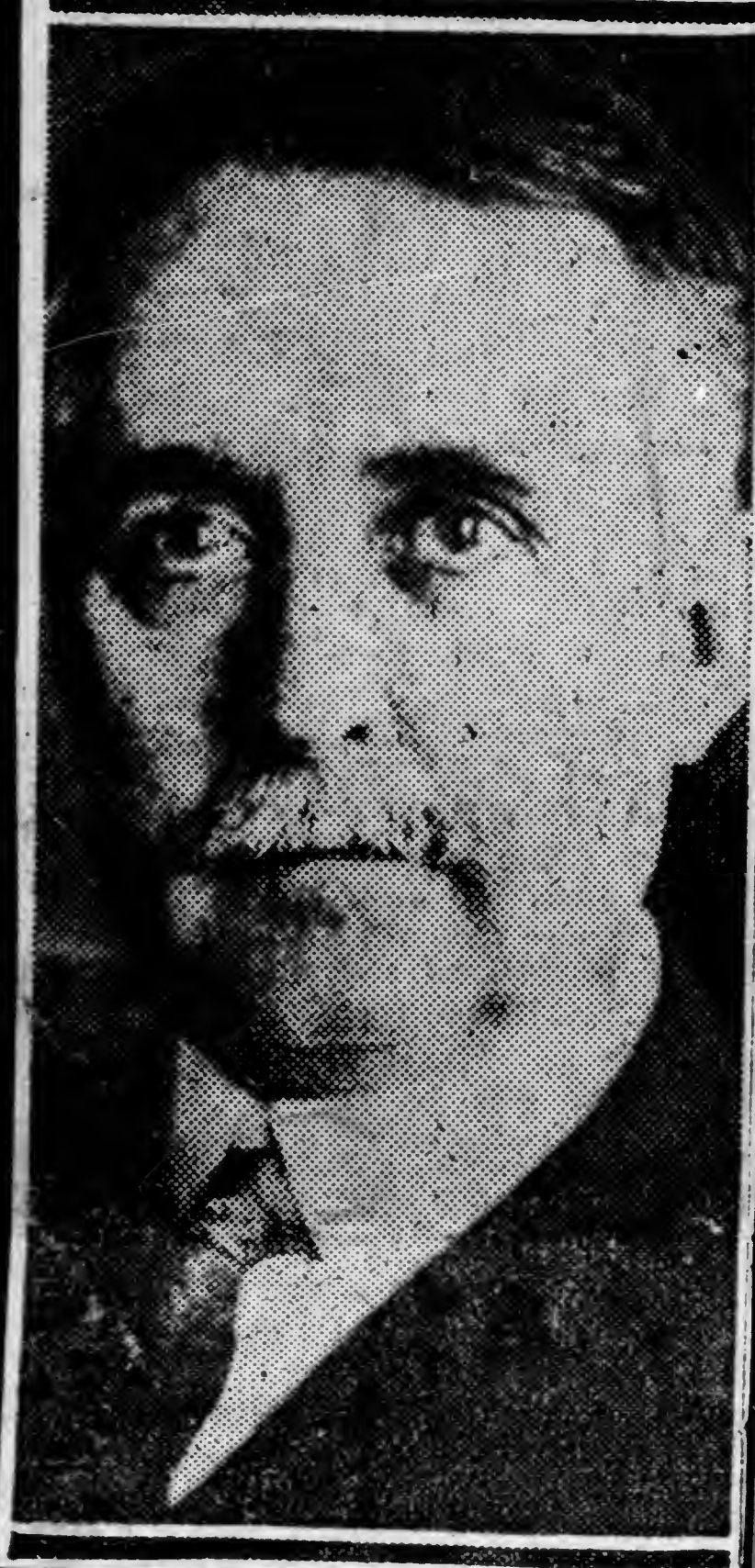
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Defends Bureau

EDGAR B. MERITT, assistant commissioner of Indian affairs in Washington, who replied in Oakland today to attacks of Congressman James Frear upon the Indian bureau.



U. S. OFFICIAL HERE DENIES INDIAN ABUSE

Charges of Congressman Frear Are Answered by Assistant Commissioner at Oakland Forum Lunch

Tribesmen Are Healthier, Wealthier, Better Cared for Than Ever Before, Says Speaker, Citing Statistics

Declaring that statements made in an attack against the Indian Bureau and its administration by Congressman James A. Frear before the Oakland Forum, October 20, were a mass of misrepresentations and half truths, Edgar B. Meritt, assistant commissioner of Indian affairs, spoke before that body today in refutation of Frear's charges. The Indians today are the most prosperous people in the nation, stated the speaker, who also declared that John Collier, national executive secretary of the Indian Defense association, influenced Frear in much of his activity.

"There has been so much misrepresentation and so many misstatements regarding the government's handling of Indian affairs that it seems appropriate to give to the public some accurate information regarding this important subject—information that can be substantiated by the records of the government at Washington," declared Meritt.

"In recent addresses in several Western States, Congressman Frear has made many misleading statements regarding Indian affairs; in fact his addresses consisted mostly of misinformation and half-truths, which are wholly misleading to those who are not informed on the Indian question. Mr. Frear advised his audiences in the West that for fourteen years he had served on various committees in the House of Representatives, including the ways and means committee, and that about a year ago he was assigned to the House Indian committee. Ever since that assignment the Indian service has been subjected to his unwarranted criticisms. Mr. Frear has told his audiences that he had practically no Indians in his district, and few Indians in his State. It is within the bounds of truth to say that he knew but little about the Indian problem prior to his assignment to the Indian committee one year ago. Soon after this assignment to the Indian committee he came in contact with Mr. John Collier, a representative of the American Indian Defense association, and they have cooperated very closely ever since in making various exaggerated statements and absurd charges regarding Indian affairs. With the assistance of Mr. Collier, Congressman Frear almost immediately upon his assignment to the Indian committee, began to introduce bills and make speeches regarding the Indian question, notwithstanding his lack of information upon the subject, but not one of the Indian bills introduced by Mr. Frear has been passed by Congress.

RECKLESS HANDLING OF TRUTH CHARGED

"In making this preliminary statement we wish it understood that we have no criticism to offer regarding Mr. Frear as a man. We might well use the language that Shakespeare placed in the mouth of Mark Anthony when he referred to Brutus as 'an honorable man,' and we might also include John Collier in this category, and call them both 'honorable men,' but we do criticize the reckless handling of truth by both of them, and the misleading and absurd statements that both are making in speeches and in publicity furnished to the press. We want to pay Mr. Collier the compliment of saying that he is a genius when it comes to getting publicity. It is unfortunate that Mr. Collier is not using this fine talent in a more worthy way. When you read the speeches placed in the Congressional Record by Mr. Frear, largely under 'leave to print,' we want you to bear in mind the working combination which is in existence between Messrs. Frear and Collier, and remember also the language contained in the Good Book, 'The voice is Jacob's voice, but the hands are the hands of Esau.'

"Now let us refer specifically to some of the many misrepresentations made by Mr. Frear about Indian matters. We have not time to answer all of them, but the following will suffice to show the utter unreliability of certain alleged information that he has been giving to the public.

STATEMENT ON DEATH RATE IS DENIED

"Mr. Frear said: 'The heavy death loss has been neglected so that today the Indians are only skeleton tribes.'

"The truth of the matter is that the Indians in the last 25 years have been steadily increasing in population and are no longer a vanishing race. For example, in 1900 there were 270,544 Indians in the United States and today we have 349,876. The Indians are increasing in population at the rate of about 1500 per annum, which is the result of the work of the Indian Bureau along educational and health lines.

"Mr. Frear said: 'Indian Bureau control is effected by an army of political employees, good, indifferent and sometimes bad.'

"The facts are that out of the 4960 employees in the Indian serv-

(Continued on Page 5, Col. 2)

Abuse of Indians Is Denied Here by U. S. Bureau Official Charging Misstatements to Congressman

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"Congress has appropriated approximately \$33,000,000 for irrigation projects on Indian reservations and there are 1,368,000 acres of land under these projects of irrigation, with over 657,000 acres under constructed works and now irrigable.

OIL PROVIDES \$12,711,296 ROYALTY.

"There were produced on Indian reservations last year 41,907,021 barrels of oil and the Indians received royalties therefrom of \$12,711,296.

"Notwithstanding the splendid showing made we hope to make even greater progress in the future than we have in the past. We need more money for schools; more money for health work, and more money for industrial work among the Indians. We believe that the showing herein made is a record of which we may well be proud. No dependent people in the history of the world has made more rapid progress during the last twenty-five years than the American Indian and no government during that time has been more generous and more faithful to its trust than has our government toward the American Indian.

"Having pointed out to you the many grossly misleading statements made by Mr. Frear, and having endeavored to explain to you some of the constructive things now being done by our government, I bring to your attention the following constructive propositions, the truth of which cannot be controverted.

"American Indians have today more property and this property is more valuable than ever before. The total Indian property is estimated to be worth over one billion, six hundred and fifty million dollars.

"The federal congress has in recent years appropriated more money for the Indians than ever before. These annual appropriations amount to more than twelve million dollars.

"There are more Indians who are supporting themselves and their families by their own labor than ever before in the history of our country.

"There are more Indian children in school, both Government and public, than ever before. In fact there are more Indian children in schools than there are white children in school in proportion to population, there being practically 80 per cent of all eligible Indian children of school age now in school.

"There are more Indians speaking the English language than ever before.

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permitting Indians to sue the government on alleged claims in the court of claims, with the right of appeal to the United States supreme court, than ever before in a similar period in the history of our government.

"The American Indians are today enjoying the greatest degree of prosperity and have more of the comforts of modern civilization than ever before in the history of our government."

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"There are more Indians living in sanitary and well-furnished homes than ever before.

WEALTH TWICE OTHER CITIZENS

"The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world.

"The government is furnishing the Indians more doctors, more nurses and more hospitals than ever before—91 hospitals, 194 doctors and 132 nurses.

"The Indians are increasing in population at the rate of about 1500 per year, and the death rate has been reduced by more than 25 per cent during the last fifteen years. The death rate among the Indians is now 22 per thousand per year.

"Never before in the history of our government have the property rights of the Indians been more carefully protected, his children better educated, his health more carefully guarded, and his religious, moral and material interests better fostered and served than they are today.

"The American Indians are now all citizens, and have more political rights and personal freedom than ever before; are permitted to go and come whenever and wherever they may choose, and have the privilege of working out their own destiny along whatever lines they may desire. Their degree of success is limited only by their own vision, ambition, character and energy.

"The treaty obligations of the government with the Indians were never more carefully respected and carried out in letter and in spirit than they are today by our government.

"The United States congress, during the last five years, has passed more jurisdictional bills

Original Defective

POOR INDIAN IS RECEIVING ROUGH DEAL

Public Demands Uncle Sam Treat Wards With More Fairness

Two bills relating to the welfare of the California Indians will come before the present session of Congress. One, presented to the House by Mrs. Julius Kahn, provides just compensation to the Indians for the land taken from them in 1850-52, when eighteen treaties entered into between the United States Government and the several Indian tribes were hidden away in the archives of Washington and never ratified.

The other bill, framed by Senator Hiram Johnson and Representative Phil D. Swing, provides for the disbursement of funds appropriated by Congress for Indian welfare through the existing public agencies of the State of California, such as the State Board of Health, the State Departments of Education and Public Welfare.

Bills Backed by Powerful Bodies

These bills are backed by various powerful organizations in this State, including, among others, the Indian Defense Association, the California League of Women Voters, the General Federation of Women's Clubs and the Commonwealth Club of California. In the words of Mrs. H. C. Roberts, chairman of the Indian welfare committee of the California Federation of Women's Clubs in Alameda, "Get back of these bills. The Indians respond to kindness, but these people (on the lower Klamath) have never had it. Their lands are gone. Their game has gone. Their civilization is destroyed, and all we have given them in return is tuberculosis, venereal disease and oblivion."

The recent transcontinental tour of Edgar B. Meritt, U. S. Assistant Commissioner for Indian Affairs, was undertaken largely at the behest of the Government to refute the charges brought against the administration of Indian affairs by the Government bureau in Washington. Meritt delivered a written speech before various public bodies of this State, including the Commonwealth Club, the Indian Defense Association and the Oakland Forum.

Hundred Questions Left Unanswered

These bodies drew up a list of one hundred questions for Meritt to answer in regard to the alleged mishandling of Indian affairs, and, although he did not include answers to these questions in his written speech, which dealt exclusively with the charges brought by Congressman Frear of Wisconsin against the Indian Bureau, he devoted several hours to answering questions from the floor during the discussion that followed his address at the Commonwealth Club.

Charles Y. de Elkus, chairman of the Indian affairs section of the club and member of the executive committee of the Indian Defense Association of California, who led the debate from the floor that followed the speech of Commissioner Meritt, says:

"The situation among the Indians of California is inexcusably bad, and there is no use trying to palliate it by making general statements. The Indian Bureau is a type of self-protecting, self-perpetuating bureaucracy, whose attitude, as expressed through the speeches of its Assistant Commissioner, Edgar B. Meritt, is that of a real despotism—a benevolent despotism, if you will, but a despotism nevertheless. The bureau says in effect: 'We have dealt with the Indian for twenty years and we know what is good for them. If you want to do something for them, come to us, and if we like it, all right.'"

Criticism Getting Under Bureau's Skin

"The tour undertaken by Meritt showed that the open criticism of Indian affairs has gotten underneath the skin of the officials, who feel that they have to defend themselves against the charges made by the public. Either the Indian Bureau must justify itself or it must change its methods. Meritt is a pleasant type of diplomat who does not wish to meet the real issue, and, therefore, seeks to evade it. He had come here ostensibly to discuss the pending legislation in regard to California Indians and Indian legislation in general. For his convenience a list of 100 questions was drawn up by the various organizations interested in the welfare of the Indian and submitted to him before his arrival in California, so that he would have ample time to prepare his replies. In-

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"The statistics of the Indian Bureau are in many instances misleading and worthless. The facts cannot be ascertained without independent investigation, and whoever starts such an investigation is dubbed a 'propagandist,' inciting the Indians to rebel against the Government, etc. Particularly misleading are the statistics of the bureau seeking to prove the immense prosperity of the American Indian, as shown by his per capita wealth.

Population Statistics Stamped as Worthless

"The oil and mineral resources discovered on the land of a few Indians in Oklahoma have enhanced the wealth of certain tribes appreciably, and the Indian Bureau takes credit to itself for this accidental accession of prosperity to a few individuals. The fact is that these riches do not in any way alter nor help the condition of the average Indian, which is notably bad, particularly in California and New Mexico.

"The statistics about the increase of population are equally worthless. In certain sections of this State the Indians are dying out altogether for lack of proper medical attention and means of subsistence, due to the wrongs done their ancestors through the so-called 'Lost Treaties' that Congress failed to ratify, and which deprived them of their land without giving them anything in return.

"We do not ask that the property of the Indians be turned over to them at once, but only that it be administered for them in such a way that they will reap the benefit, which is not the case at present."



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Certain Reports Are Concealed From Public

"The Indian Bureau has refused to permit the public to have access to certain reports that might shed light on the real conditions existing among the Indians on Government reservations. One such re-

port is that drawn up by Miss Florence Paterson of the national body of the American Red Cross, who, at the request of the Indian Bureau, lived several months on Indian reservations in Arizona, New Mexico and Southern California. This report has never been published, and repeated requests to see it by individuals and organizations have met with refusal from the Indian Bureau. Another report was that drawn up by Commissioner Hagemann of the Navajo Indian Reservation.

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"We do not ask that the property of the Indians be turned over to them at once, but only that it be administered for them in such a way that they will reap the benefit, which is not the case at present."

S.F. Chronicle - Nov. 26, 1926.
Government Agent Will Endeavor to Refute Accusa-
tions of Unfairness Made by Congressman Frear

To insure a thorough and impartial discussion of Indian problems, a number of questions have been submitted, through the Oakland Forum, by the Indian Defense Association to Edgar B. Meritt, assistant commissioner of the Bureau of Indian Affairs, who will speak at a luncheon of the Oakland Forum next Wednesday, at the Hotel Oakland. Meritt has been sent out from Washington, D. C., by the Government to answer charges made against the Indian Bureau by Congressman James A. Frear of Wisconsin. Congressman Frear spoke before the Forum October 20. The public has been asked to submit to the Forum, in writing, any questions pertaining to the Indian problem which they desire to have answered in Meritt's speech.

Many members of the Indian Defense Association of San Francisco are expected at the luncheon, and, according to Miss Annie Florence Brown, president of the Forum, will ask questions of Meritt after his talk. In a letter to Chauncey S. Goodrich, president of the Indian Defense Association, Miss Brown requested that he put in writing the topics which the association wished covered, and the subject matter would be sent to Meritt at Washington. Goodrich sent a list of topics, including the following:

Payment of \$100,000 out of the Navajo tribal fund for one-half the cost of construction of a bridge

across the Colorado river, in Arizona; that the whole cost of the San Juan Pueblo bridge was charged against the tribe of Pueblo Indians; the charge that in 1919 the chief of the Indian Bureau's finance division testified that in 1918 the reimbursable indebtedness against Indian tribes, constituting a mortgage against their lands, was \$23,000,000, and that prior to 1918 \$8,250,000 had actually been collected in similar reimbursable debts; the Hayden oil leasing bill providing that 57½ per cent of all Indian oil royalties were to be surrendered to the States; the Indian judges bill, providing that Indian Bureau subordinates could arrest Indians without warrants and sentence them to jail for periods up to six months without right of jury trial; that the Indian Bureau asked for a reduction in the amount to be appropriated to health work.

Numerous other subjects pertaining to both sides of the Indian problem will be taken up in Meritt's talk. Those in charge of the program are Miss Brown, Mrs. Duncan McDuffie, representing the Indian Defense Association; Mrs. Harry C. Roberts of the committee of Indian affairs of the Federated Clubs; Mrs. Guy C. Earl, Mrs. Thomas Mitchell Potter and Mrs. Victor H. Metcalf of the Oakland Forum, and Robert M. Fitzgerald, Oakland attorney. Already more than 300 reservations have been made for the luncheon. The public has been asked to send in questions.

INDIAN AGENT FLINGS DEFI AT CRITICS OF U. S. SERVICE

Aborigine Never So Well
Cared for by Government,
Forum Is Told

Congressman Frear Dupe or
Tool of Propagandists,
Is Charge

That Congressman James A. Frear of Wisconsin, who makes colorful charges against administration of Indian affairs in the United States, is a tool or recklessly of "certain agitators and propagandists on payrolls of well-meaning but misinformed organizations" is the answer of Edgar B. Merritt, assistant commissioner of the Bureau of Indian Affairs, to recent California utterances of Frear. Merritt was the guest of the Oakland Forum at a meeting in the Hotel Oakland yesterday and replied at length to charges made by Frear at a recent meeting of the Forum.

Nearly Uses the Short
And Ugly Word

He politely skirted branding Frear and executives of the American Indian Defense Association plainly as liars but went so far as to recommend that their charges be investigated with the purpose of branding them "malicious perverters of the truth."

Opening his talk at the Forum he stated concerning Frear:

"He came in contact with James Collier, a representative of the American Indian Defense Association, and they have co-operated very closely ever since in making various exaggerated statements and absurd charges regarding Indian affairs."

Pays His Compliments
To Publicity Agent

Concerning Collier he noted:

"Mr. Collier is a genius when it comes to getting publicity. It is unfortunate that Mr. Collier is not using his fine talent in a more worthy way."

Most of Merritt's talk consisted of detailed replies to various charges made by Congressman Frear and by Collier through Frear, but he concluded with a group of statements concerning the general condition of American Indians today as follows:

"The American Indians have today more property and this property is more valuable than ever before. The total Indian property is estimated to be worth over one billion, six hundred and fifty millions of dollars.

U. S. Gives More Money
Than Ever Before

"The Federal Congress has in recent years appropriated more money for the Indians than ever before. Those annual appropriations amount to more than twelve million dollars.

"There are more Indians who are supporting themselves and their families by their own labor than ever before in the history of our country. There are, for example, 59,000 Indian farmers and stock raisers.

"There are more Indian children in school, both Government and public, than ever before. In fact there are more Indian children in school than there are white children in proportion to population, there being practically 80 per cent of all eligible Indian children of school age now in school. Over 71,000 Indian children are now in school, or about 80 per cent.

There are more Indians speaking the English language than ever before.

"There are more Indians affiliated with churches of all denominations than ever before, there being 400 Protestant and 200 Catholic missionaries in the Indian field with approximately 48,000 Indians affiliated with the Protestant churches and 60,000 Indians with Catholic churches.

"There are more Indians living in sanitary and well furnished homes than ever before.

INDIAN IS RICH

"The per capita wealth of the American Indian is nearly twice as great as the per capita wealth of the other citizens of this country, and is much greater than the per capita wealth of any other people in the world today, or at any time in the history of the world; for example, the per capita wealth of all countries involved in the World war was approximately \$800; the per capita wealth of the people of the United States is less than \$2500; and the per capita wealth of the American Indian is approximately \$4700.

"The Government is furnishing the Indians more doctors, more nurses, and more hospitals than ever before, ninety-one hospitals, 194 doctors and 132 nurses.

"The Indians are increasing in population at the rate of 1500 per year and the death rate has been reduced by more than 25 per cent during the last fifteen years. The death rate among the Indians is now 22 per thousand per year.

"Never before in the history of our Government have the property rights of the Indians been more carefully protected, his children better educated, his health more carefully guarded, and his religious, moral, and material interests better fostered and served than they are today.

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"The United States Congress, during the last five years, has passed more jurisdictional bills permitting Indians to sue the Government on alleged claims in the Court of Claims, with the right of appeal to the United States Supreme Court, than ever before in a similar period in the history of our Government.

"The American Indians are today enjoying the greatest degree of prosperity and have more of the comforts of modern civilization than ever before in the history of our Government.

DEFIES HIS CRITICS

"We challenge our critics to prove a single one of these fifteen propositions to be incorrect. If they are correct, and we can prove them so, then what basis or justification is there for the wild, erroneous and misleading speeches and publicity indulged in by our critics except to get a little personal publicity and keep certain agitators and propagandists on payrolls of well-meaning but misinformed organizations.

"We appeal to the citizens of the West and to the country at large to give a square deal to the Indians of this country and to the loyal and faithful work the thousands of good men and women in the Indian service, who are devoting their lives to the conscientious and loving service in educating and civilizing a despondent people. We ask that hereafter you apply the acid test to truth of speeches, publicity and propaganda of all kinds and character relating to the American Indian, and all those, whoever they may be, who depart from the truth be branded openly and publicly, as they deserve to be, as malicious perverters of the truth."

Talk On Indian Affairs At Forum Luncheon Set For Wednesday

Edgar B. Meritt, assistant commissioner of the bureau of Indian affairs at Washington, will not only be called upon to answer the charges of Congressman James A. Frear of mismanagement and misconduct of the bureau activities at the December 1 luncheon of the Oakland Forum but will also come prepared to answer a lot of questions bearing on the bureau activities in the southwestern states prepared and submitted at the request of the Forum by the Indian Defense association.

Early this fall, Congressman Frear made an extensive tour of the Indian reservations throughout the United States to avail himself of first hand information which he deemed necessary to properly function as a member of his committee. In his work he was assisted by the Indian Defense association, who sponsored his appearance at the Oakland Forum on October 21. At that time Frear attacked the bureau, charging that the bureau was more interested in perpetuating its own existence than that of the Indian tribes and was blocking legislation which might work to the benefit of the Indian.

To properly present both sides of the case Meritt was invited to speak before the Forum and consented to come. A committee composed of Mrs. Duncan McDuffie, and Mrs. Harry C. Roberts of the Indian Defense association, Mrs. Guy C. Earl, Mrs. Thomas Mitchell Potter, Mrs. Victor H. Metcalf, and Mrs. Annie Florence Brown, president, all members of the Forum; and Robert M. Fitzgerald, an Oakland attorney, planned the luncheon and requested the Indian Defense association to submit the questions to supplement Meritt's talk and thoroughly cover the charges made by Congressman Frear.

The first question deals with expenditure of tribal funds for the construction of bridges, charges against tribal lands and discrepancies in the reports of deaths among the Indian residents of the reservations.

Of the three bridges named in the first question the first deals with the appropriation of \$100,000 from a fund of \$109,000 credited to the Navajo fund, for the payment of one-half of the construction costs of a bridge over the Colorado River at Lee's Ferry. The question sets forth the contention that the bridge was built in a sparsely settled country and is of little or no benefit to the Indian tribe, and asks if the bureau made any attempt to stop the expenditure of the funds, which they charge as being illegally appropriated. Congressman Frear in his speech before the Forum declared that Commissioner Mather was responsible for this act to the bureau, but no attempt was made to call him to task for it.

Two other bridges, one over the

MRS. VICTOR H. METCALF, assisting Forum committee in planning luncheon for EDGAR B. MERITT, who will talk on Indian Affairs.



Gila River, at a cost of a quarter of a million dollars, built with funds rightfully belonging to the Pima tribe, according to the questionnaire, and one built at a cost of \$40,000, from the funds of the San Juan Pueblo, were built, and no effort on the part of the bureau was made to oppose the construction, the charge is made. Meritt is asked to explain why appropriations were deemed legal expenditures.

Meritt will also be asked to explain why alleged excessive charges were made against tribal lands, without the consent of the tribes, and in excess of \$8,000,000 collected prior to 1919; and the alleged discrepancies in the reports of deaths on the Pima reservation, where thousands of acres of land

were carried on allotments registered against Indians who died several years before.

The Hayden oil bill, passed by congress, which validated many of the oil leases now before the public in Doheney-Fall cases, is also subject to an attack by the defense association questionnaire. They assert that the interpretation of the bill took from the Indians on the reservations of title to over 22,000,000 acres of land by establishing that they held merely a tenancy on the land, and had no mineral rights relative to oil land leasing. This situation, they claim, resulted from a compromise participated in by the bureau, and Meritt is asked to explain why the compromise was permitted. The same question also contends that Commissioner Hagerman was without authority when he testified before a congressional hearing that the Navajo tribes were willing to surrender one-half of their oil leases.

An explanation is asked for the adoption of the Indian judges' bill which takes from the Indians rights guaranteed them by the constitution, according to the questionnaire, by the appointment by the bureau of Indian judges at \$10 month, with summary powers of arrest, legalizing the arrest of any Indian without a warrant and imprisoning him for six months, without a jury trial.

The request of the Indian affairs bureau for a reduction of the health appropriation in 1925 is also attacked by the questionnaire, which demands a reason for an alleged decrease in funds for public health work in the reservations, when the figures of the department of public health is said to show an increase in the number of deaths on Indian reservations.

Meritt is also asked in the same question to release to the Forum the report of the department of health nurse of the department of public health, who was sent into the reservations to make a health survey. The questionnaire complains that the bureau refused to release the report to the Indian affairs committee of the Commonwealth club of San Francisco, because of the fact that it contains facts that refute the claims of the bureau that the necessity for health measures on the reservations had diminished.

The last question calls for an explanation of the alleged authority of the bureau which gives it absolute control of all Indian property and cash, in excess of a million and a half dollars, without provision that the bureau be accountable to any person or department; and the right to decide the competency of any Indian relatives to his rights to make a contract, or validating wills or testimony of an Indian resident of the reservation, for which no right of appeal is granted.

Oakland Tribune
Nov. 25. 26